

**CITY OF ROCHESTER
COUNCIL AGENDA
COUNCIL/BOARD CHAMBERS
GOVERNMENT CENTER
151 4TH STREET SE**

**MEETING NO. 1
Annual Meeting**

**Monday, January 5, 2004
7:00 P.M.**

PLEDGE OF ALLEGIANCE

PAGE

- 1-2 **A) NONE: OPEN COMMENT PERIOD**
- B) CALL TO ORDER**
- C) LETTERS AND PETITIONS**
- 3-6 1) **MR. LAWSON WAS NOT IN ATTENDANCE:** Mr.
 Rene Lawson wishes to address the Council regarding sidewalk
 assessment
- 7-10 2) **APPROVED:** Request for City Sanitary Sewer Service to
 Barony Woods Addition – City/Owner Project No. M03-27 (J-5092)
- 11-12 **D) ORGANIZATIONAL BUSINESS**
- 1) **APPROVED:** Address by President Hunziker
- 2) **APPROVED:** Request a Motion Adopting the Following
 Prepared Resolutions
- 3) **APPROVED:** Appointments to Committees by President
 Hunziker
- 4) **APPROVED:** Address by Mayor Brede
- 5) **APPROVED:** Designation of Official Paper
- 13-14 6) **APPROVED:** Banking Item
- 15-16 **D) CONSENT AGENDA\ORGANIZATIONAL BUSINESS**
- 7) **APPROVED:** Approval of Minutes
- 17-18 8) **APPROVED:** Reappointments to the Library Board
- 19-20 9) **APPROVED:** Reappointments to Rochester Public Utilities
- 21-22 10) **APPROVED:** 2004 Annual Compensation for the Mayor and
 City Council
- 23-26 11) **APPROVED:** Termination of Development Assistance
 Agreement for Celestica Tax Increment Financing Project

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|-------|-----|--|
| 27-30 | 12) | APPROVED: PossAbilities of Southern Minnesota – Skyway Golf Classic |
| 31-32 | 13) | APPROVED: Professional Services Agreement with ACSG, Inc., for Phase #1 of a project to make improvements to existing pavements and extend Runway 13-31 |
| 33-34 | 14) | APPROVED: Professional Services Agreement, bid advertisement, and State Aid Agreement for CSAH 16 relocation in preparation for Runway 13-31 extension |
| 35-36 | 15) | APPROVED: Licenses, Bonds & Miscellaneous Activities |
| 37-38 | 16) | APPROVED: Address Change for the Sandtrap – Exclusive On Sale and Sunday Intoxicating Liquor License |
| 39-40 | 17) | APPROVED: On Sale & Sunday Intoxicating Liquor License for Beetle’s Bar & Grill Inc. |
| 41-42 | 18) | APPROVED: Exclusive On Sale & Sunday Intoxicating Liquor License for Mickey’s Irish Saloon |
| 43-44 | 19) | APPROVED: Wine & On Sale 3.2% Beer License for Ate Plus, Inc., DBA Dunn Bros. Coffee |
| 45-46 | 20) | APPROVED: Approval of Accounts Payable |
| 47-48 | 21) | APPROVED: Closing of Tax Increment Projects – Fund 511 |
| 49-50 | 22) | APPROVED: Capital Improvement Projects – Transfer of the Unexpended Balance of Funds |
| 51-52 | 23) | APPROVED: Promotional Appointment – Captain – Rochester Fire Department |
| 53-54 | 24) | APPROVED: ROCOG 2004-5 Cooperative Agreement |
| 55-56 | 25) | APPROVED: Memorandum of Agreement and Memorandum of Understanding Between the Minnesota Financial Crimes Task Force and the City of Rochester Police Department |
| 57-58 | 26) | APPROVED: Engineering Services to Design a Rocky Creek Stabilization Project J-4001 |
| 59-60 | 27) | APPROVED: Stormwater Management Agreements |
| 61-62 | 28) | APPROVED: Owner Contract – Storm Sewer to Serve Lot 2, Block 1, Airport Industrial Park Second – J5116 |
| 63-64 | 29) | APPROVED: Left Turn Restriction, Eastbound 6 th Street SE at 5 th Avenue |
| 65-70 | 30) | APPROVED: Consideration of Public Utility Board Action |
| | 31) | APPROVED: Appointment to Olmsted County Housing and Redevelopment Authority |

E) **HEARINGS**

- 71-72 1) **APPROVED:** Obtain Public Comment on the Proposed Charter Amendment Relating to the Holding of a Special Election for a Vacant City Office.
- 73-118 2) **APPROVED:** Type III, Phase II Incentive Development Preliminary Plan #03-50 and Variance #03-26 by Carpenter & Torgerson II, LLC to develop a hotel located along the north side of 2nd Street SW, along the west side of 13th Avenue SW and along the south side of 1st Street SW.
- 119-142 3) **CONTINUED TO JANUARY 21:** Zoning District Amendment #03-22 to rezone from R-1 to B-4 and R-1x land located West of TH63, south of TH52 and Southtown Heights and north of 36th Street SW.
- 143-176 4) **CONTINUED TO JANUARY 21:** General Development Plan GDP #219 to be known as Spring Brook Valley
- 177-188 5) **APPROVED:** Amendment to the Arboretum Special District (SD #1) by Cordul Establishment and Michael Younge to add land to the special district located north of 41st Street, East of Arboretum Drive.
- 189-212 6) **APPROVED:** Amendment to the Arboretum General Development Plan #83 by Cordul Establishment and Michael Younge and amend the General Development Plan to designate property for commercial and to approve the Substantial Land Alteration located north of 41st Street, East of Arboretum Drive.
- 213-238 7) **APPROVED:** Incentive Development Conditional Use Permit #03-60 by Volunteers of America on land located along the north side of 55th Street NW and along the west side of 18th Avenue NW.
- 239-256 8) **APPROVED:** Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America
- 257-264 9) **APPROVED:** Zoning District Amendment #03-26 by Larry Brown and L.B. Electric to rezone from the H-Holding Zone to R-1 land located along the south side of TH 14, east of 40th Avenue S.E.
- 265-284 10) **APPROVED:** Restricted Development Conditional Use Permit #03-61 and Substantial Land Alteration, by Larry Brown and L.B. Electric on property located along the south side of TH14, east of 40th Avenue SE.
- 285-298 11) **APPROVED:** Zoning District Amendment #03-23 by Kelly and Kristi Madson to rezone property from H-Holding to B-4 on property located east of 40th Avenue Se and south of TH14 East.

- 299-318 12) **APPROVED:** General Development Plan #220 by Kelly and Kristi Madson on property located east of 40th Avenue Se and south of TH14 East.
- 319-340 13) **CONTINUED TO JANUARY 21:** : Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow on property located along the east side of Marion Road at 1600 Marion Road SE.
- 341-352 14) **APPROVED:** Final Plat #03-41 to be known as Stonehedge Townhomes Third CID #242 by Sherm Stoflet
- 353-370 15) **APPROVED:** Amendment to General Development Plan #122 known as Century Hills by Payne Company
- 371-372 16) **CONTINUED TO FEBRUARY 2:** Zoning District Amendment #03-18 by McDonald's Corporation to amend the zoning from R-3 to the B-1 on property located along the south side of 12th Street NE, east of the McDonald's Restaurant
- 373-374 17) **CONTINUED TO FEBRUARY 2:** ZGeneral Development Plan #216 to be known as McDonald's on North Broadway by McDonald's Corporation
- 375-382 18) **APPROVED:** Vacation Petition #03-09 by DLT Partners LLC to vacate right-of-way for 3rd Avenue NW south of 31st Street NW.
- 383-396 19) **APPROVED:** Text Amendment #03-09 top amend Section 60.175 regarding Fees of the Rochester Planning and Zoning Ordinance and Land Development Manual pertaining to development applications beginning in 2004.

F) REPORTS AND RECOMMENDATIONS

G) RESOLUTIONS AND ORDINANCES
397-398

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD
<p>This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:</p> <ul style="list-style-type: none">• This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.• This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.• Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.• Citizens may only use this forum to address the Council on a maximum of one time per month.• Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.• Questions posed by a speaker will generally be responded to in writing.		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

2

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/5/04

3

AGENDA SECTION:
Letters & Petitions

ORIGINATING DEPT:
City Administrator

ITEM NO.

C-1

ITEM DESCRIPTION: Mr. Rene Lawson wishes to address the Council regarding sidewalk assessment

PREPARED BY:
T. Spaeth

Mr. Lawson addressed the Council this past spring regarding a concern about a sidewalk repair assessment. Public works staff reviewed the situation, and Mr. Kvenvold provided a written response to Mr. Lawson's concern. Mr. Lawson subsequently submitted a letter to Mr. Kvenvold.

City staff was of the opinion that this matter was resolved. Mr. Lawson wishes to be heard at this time.

COUNCIL ACTION REQUESTED:

Provide opportunity for Mr. Lawson to address Council.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

A

7/25/03

Stevan Kvenvold
City Administrator
City Administrator's Office 201 4th Street SE Room266
Rochester, MN 55904-3781

Ref: Your ltr of 5/6/03
Subj: Sidewalk Assessment

Dear Mr. Kvenvold

I also apologize for the length of time in responding to you, I have had out of state parental health issues to deal with.

As you indicate, there is no definite date or record as to the construction of the sidewalk It is my contention that the sidewalk is not more than 10 years old and therefor I should not be assessed. The tree that was on the boulevard that caused the sidewalk to buckle was recently removed by city crews on Tuesday, 7/22. I was unaware that this removal was to take place.

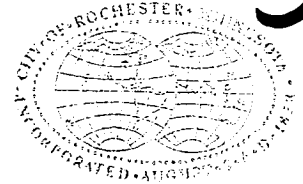
Sincerely,

Rene Lawson
Homeowner/Taxpayer



ROCHESTER

Minnesota



May 6, 2003

STEVAN E. KVENVOLD
City Administrator
City Administrator's Office
201 4th Street SE, Room 266
Rochester, MN 55904-3781
(507) 285-8082
FAX #(507) 287-7979

Rene P. Lawson
430 5th Street SW
Rochester MN 55902

RE: Sidewalk Assessment

Dear Mr. Lawson:

I apologize for the length of time in responding to your request about the age of your sidewalk for which you received your sidewalk repair assessment.

I referred this matter to the Public Works department for information and they have informed me that there is no definite record of the year your sidewalk was constructed, but it appears that it is older than 20 years. If your sidewalk would have been constructed in the recent past, construction records would have existed as to the date of construction.

Since your sidewalk is older than 20 years, you will not receive any prorated credit against the reconstruction expense.

Sincerely,

Stevan E. Kvenvold
City Administrator

c: R. Freese
J. Wellner

9

REQUEST FOR COUNCIL ACTION

MEETING

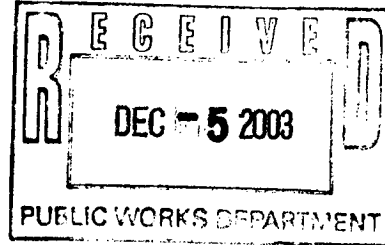
DATE: 1/5/04

7

AGENDA SECTION: Letters and Petitions	ORIGINATING DEPT: City Clerk	ITEM NO. C-2
ITEM DESCRIPTION: Request for City Sanitary Sewer Service to Barony Woods Addition - City/Owner Project No. M03-27 (J-5092)		PREPARED BY: Judy Scherr
<p>A request has been received from BCD Enterprises, LLC, owners of the Barony Woods Addition, to extend sanitary sewer through the old Mulcher property to connect to the sanitary sewer recently installed within the Southern Heights Addition and also to the southwest corner of the Barony Woods Addition.</p> <p><u>COUNCIL ACTION REQUESTED</u></p> <p>A motion adopting the prepared resolution referring the petition for Sanitary Sewer Service to Barony Woods Addition to the Public Works Department for a feasibility study.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

8
November 25, 2003

Richard Freese, Public Works Director
City of Rochester Dept of Public Works
2122 Campus Dr SE
Rochester, MN 55904



**RE: Request for City Sanitary Sewer Service to Barony Woods Addition
City-Owner Project M03-27; J5092**

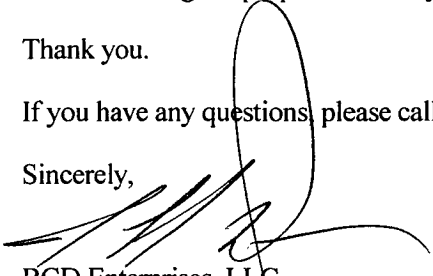
Dear Mr. Freese:

My partners and I own the property platted as Barony Woods Addition. On behalf of my partners, I am writing to request the City extend sanitary sewer through the old Mulcher property south of Southtown and Southern Heights Additions to connect to the sanitary sewer recently installed within the Southern Heights Addition and also to the southwest corner of the Barony Woods Addition. I am enclosing a sketch showing the proposed sanitary sewer extension.

Thank you.

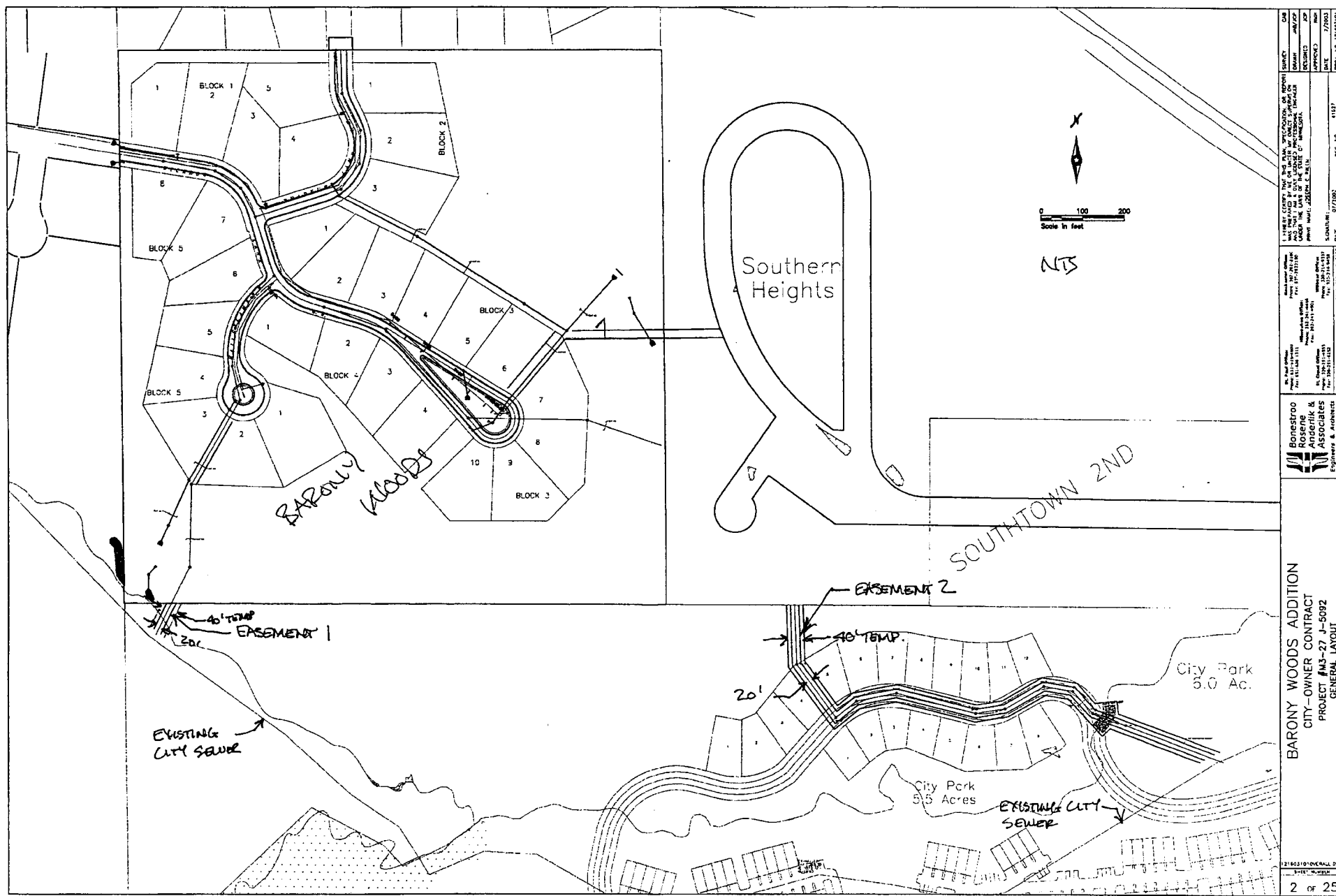
If you have any questions, please call me.

Sincerely,



BCD Enterprises, LLC
Jeff Drown

Enclosure



Bonestroo Associates Engineers & Architects 1100 N. 1st St. Suite 100 Tallahassee, FL 32301 Phone: (904) 241-1111 Fax: (904) 241-1112 E-mail: info@bonestroo.com		PROJECT NO. 443-27 SHEET NO. 2 OF 25
PROJECT: BARONY WOODS ADDITION CITY-OWNER CONTRACT PROJECT #443-27 J-5092 GENERAL LAYOUT	DATE: 07/2002 SCALE: AS SHOWN DRAWN BY: J. B. B.	CHECKED BY: J. B. B. APPROVED BY: J. B. B. DATE: 07/2002

2

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

AGENDA SECTION: ORGANIZATIONAL BUSINESS	ORIGINATING DEPT: ADMINISTRATION	ITEM NO. D-1-5
ITEM DESCRIPTION: ORGANIZATIONAL BUSINESS FOR 2004 ANNUAL MEETING		PREPARED BY: L. Mullenbach

Following are the Council Organizational Business items which are normally handled at the Annual Council Meeting:

D-1 Address by President Hunziker

D-2 Request a motion adopting the following prepared resolutions:

- a) Resolution adopting the Roberts Rules of Order for the conduct of business by the Council;
- b) Resolution adopting the Rules and Regulations for Order of Business of the Council;
- c) Resolution establishing committees of the Common Council, prescribing their functions and duties, and providing appointment to members of subcommittees;
- d) Resolution adopting the order of succession to discharge the duties of the Councilmember-At-Large in the event of absence or disability.

D-3 Appointment to Committees by President Hunziker

D-4 Address by Mayor Brede

D-5 Designation of Official Paper

Request a motion designating the Rochester Post-Bulletin as the official newspaper to publish the official printing and advertising of the City of Rochester for the official year commencing January 5, 2004, at the rate established by the statutes of the State of Minnesota for legal publications.

12

REQUEST FOR COUNCIL ACTION

Meeting

Date: 1/5/2004

13

AGENDA SECTION:
Consent Agenda/Organizational Business

ORIGINATING DEPT:
Finance

ITEM NO.

D-6

ITEM DESCRIPTION:
Banking Item

PREPARED BY:
Bruce Atkinson

A. Designation of Depositories:

This is a statutory requirement (MN Statute 118A.02) that must be accomplished at the beginning of each fiscal year. The proposed resolutions designate US Bank Rochester and Wells Fargo Bank Rochester, as depositories of the public funds of the City of Rochester, Minnesota.

While not depositories, the City maintains accounts with Merrill Lynch, Pierce, Fenner and Smith, Ltd., Inc., RBC Dain Rauscher, Inc., Wells Fargo Investment Services, Inc., Piper Jaffray & Co., Morgan Stanley Dean Witter, Inc., RW Baird Inc., and Legg Mason, for the purpose of investing in direct U.S. Government obligations or Federal Agency issues, commercial paper, banker's acceptances, and repurchase agreements or other investments authorized by the City's investment policy.

B. Authorizing facsimile signatures and authority to initiate investments.

Checks written against the City's General Account and Payroll Account at Wells Fargo Bank Rochester, and Rochester Public Utilities' account will bear facsimile signatures. The use of the signatures must be authorized through resolution by the Common Council. The transactions are covered by a forgery bond.

Authority to initiate investments allowed under Minnesota Statutes 118A.01-118A.06, must also be adopted.

C. Assignment of Securities:

Sufficient securities have been pledged as collateral in lieu of a depository bond by Wells Fargo Bank Rochester and US Bank Rochester, to meet the requirements of Minnesota statutes.

The prepared resolutions authorize the City Treasurer, or assign, to execute documents which pledge and release securities as collateral, and to accept collateral in lieu of a depository bond.

Council Action Requested

Respectfully request adoption of the prepared resolutions.

14

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

15

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-7-30
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 7) Approval of Minutes
- 8) Reappointments to the Library Board
- 9) Reappointments to Rochester Public Utilities
- 10) 2004 Annual Compensation for the Mayor and City Council
- 11) Termination of Development Assistance Agreement for Celestica Tax Increment Financing Project
- 12) PossAbilities of Southern Minnesota – Skyway Golf Classic
- 13) Professional Services Agreement with ACSG, Inc., for Phase #1 of a project to make improvements to existing pavements and extend Runway 13-31
- 14) Professional Services Agreement, bid advertisement, and State Aid Agreement for CSAH 16 relocation in preparation for Runway 13-31 extension
- 15) Licenses, Bonds & Miscellaneous Activities
- 16) Address Change for the Sandtrap – Exclusive On Sale and Sunday Intoxicating Liquor License
- 17) On Sale & Sunday Intoxicating Liquor License for Beetle's Bar & Grill Inc.
- 18) Exclusive On Sale & Sunday Intoxicating Liquor License for Mickey's Irish Saloon
- 19) Wine & On Sale 3.2% Beer License for Ate Plus, Inc., DBA Dunn Bros. Coffee
- 20) Approval of Accounts Payable
- 21) Closing of Tax Increment Projects – Fund 511
- 22) Capital Improvement Projects – Transfer of the Unexpended Balance of Funds
- 23) Promotional Appointment – Captain – Rochester Fire Department
- 24) ROCOG 2004-5 Cooperative Agreement

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

14

- 25) Memorandum of Agreement and Memorandum of Understanding Between the Minnesota Financial Crimes Task Force and the City of Rochester Police Department
- 26) Engineering Services to Design a Rocky Creek Stabilization Project J-4001
- 27) Stormwater Management Agreements
- 28) Owner Contract – Storm Sewer to Serve Lot 2, Block 1, Airport Industrial Park Second – J5116
- 29) Left Turn Restriction, Eastbound 6th Street SE at 5th Avenue
- 30) Consideration of Public Utility Board Action

COUNCIL ACTION REQUESTED:

Motion to/ approve consent agenda items

MEETING
DATE: 1/5/04

17 -

AGENDA SECTION: Organizational Business	ORIGINATING DEPT: Mayor's Office	ITEM NO. D-8
ITEM DESCRIPTION: Reappointments to the Library Board		PREPARED BY: Mayor Brede
<p>I hereby submit for your approval the following reappointments to the Library Board:</p> <p>David Nelson – 2nd three-year term expiring 01/01/07 Chris Colby – 2nd three-year term expiring 01/01/07 Jerry Balm – 2nd three-year term expiring 01/01/07</p>		

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

19

AGENDA SECTION: Organizational Business	ORIGINATING DEPT: Mayor's Office	ITEM NO. D-9
ITEM DESCRIPTION: Reappointments to Rochester Public Utilities		PREPARED BY: Mayor Brede

I hereby submit for your approval the following reappointments to Rochester Public Utilities:

Richard Landwehr – Second 4-year term expiring 01/08

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

21

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: ADMINISTRATION	ITEM NO. D-10
ITEM DESCRIPTION: 2004 ANNUAL COMPENSATION FOR THE MAYOR AND CITY COUNCIL		PREPARED BY: S. KVENVOLD

The adopted 2004 budget anticipated an increase of the elected officials' compensation of 3%. This mirrors the increase granted to the organizations appointed employees. The annual compensation for the Mayor, Council President and Councilmembers will be as follows for 2004:

Mayor	\$30,600
Council President	22,546
Councilmembers	17,644

COUNCIL ACTION REQUESTED:

Request a motion directing the City Attorney to prepare an ordinance establishing the Mayor and City Councils' 2004 compensation.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/5/04

23

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-11
ITEM DESCRIPTION: Termination of Development Assistance Agreement for Celestica Tax Increment Financing Project		PREPARED BY: T.SPAETH

On July 17, 2000, the Rochester City Council approved a TIF Plan and Development Agreement to provide TIF assistance to the Celstica project. The Development Agreement indicates what the obligations of both parties are. They are summarized below:

Company Obligations:

- Under Section 3.1 of the Development Agreement, the improvements were to be substantially completed by December 31, 2001. The improvements mean the 200,000 square foot manufacturing facility, along with all utility, site improvements, parking and related improvements on the Development property.
- Under Section 3.5 of the Development Agreement, Celestica shall have maintained at the Project at least 500 full-time equivalent jobs in each of the calendar years 2002, 2003 and 2004 and at least 560 full-time equivalent jobs in 2005 and each subsequent calendar year.

City Obligations:

- Under the terms of Section 3.2 of the Development Agreement, the City would reimburse up to a maximum of \$2,226,000 in development costs and interest under a "pay as you go" "TIF Bond," specifically, the Taxable Tax Increment Revenue Bond of 2000 (Celestica Project), dated August 17, 2000, issued by the City to Celestica Corporation, as the registered owner thereof.

As it presently stands, the improvements have been completed and Celestica commenced operations at the facility; however, by letter to the Mayor dated February 6, 2003, Celestica advised the City that it would close the facility and it has done so.

The City's tax increment assistance was conditioned on the continued occupancy and use of the facility by Celestica in its contract manufacturing operations, and Celestica's vacation of the facility and cessation of its operations there constitute an Event of Default under Section 4.1 of the Development Agreement. (The City has not provided any TIF reimbursement to Celestica due to the default.). The City has provided a notice of an Event of Default to the company previously.

COUNCIL ACTION REQUESTED:

Adopt the prepared resolution approving and authorizing the termination of the Development Assistance Agreement with CEL (MN) QRS 14 – 40, INC.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

2A

CITY OF ROCHESTER
COUNTY OF OLMSTED
STATE OF MINNESOTA

RESOLUTION NO. _____

RESOLUTION TERMINATING
DEVELOPMENT ASSISTANCE AGREEMENT FOR
CELESTICA PROJECT

BE IT RESOLVED by the Common Council (the "Council") of the City of Rochester, Minnesota (the "City"), as follows:

1. Recitals.

(a) The City has established its Tax Increment Financing District No. 16 (the "TIF District") for the "Project" hereinafter described.

(b) The City also entered into a certain Development Assistance Agreement, dated as of July 17, 2000 (the "Development Agreement"), with CEL (MN) QRS 14-40, Inc., a Delaware corporation (the "Company"), pursuant to which the Company agreed to substantially complete a facility to be used and operated by Celestica Corporation (the "Project") within the TIF District.

(c) By letter dated September 18, 2003, the City gave the Company and others specified in the Development Agreement notice of the occurrence of various "Events of Default" under the Development Agreement, including without limitation the vacation of the Project by and the cessation of the operations of Celestica Corporation. As of the date hereof none of the Events of Default has been cured and no indications have been given in response to the above-described letter that said Events of Default can or would be cured. Accordingly, pursuant to Section 4.2 of the Development Agreement the City is entitled to terminate the Development Agreement.

2. Termination of Development Assistance Agreement. The Council hereby directs that the Development Agreement be, and the same hereby is, terminated by the City pursuant to and as provided in Section 4.2 of the Development Agreement. City staff is further directed to provide the Company and others with the written notification of this termination, as provided under the Development Agreement.

25

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 5TH DAY OF JANUARY, 2004.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST:

CITY CLERK

Approved this ____ day of January, 2004.

(Seal of the City of
Rochester, Minnesota)

MAYOR OF SAID CITY

Councilmember _____ moved the adoption of the foregoing
resolution, which motion was duly seconded by Councilmember _____, and upon
vote being taken thereon, the following Councilmembers voted in favor thereof:

and the following Councilmembers voted against the same:

whereupon said resolution was declared duly passed and adopted.

24

CITY CLERK'S CERTIFICATE

I, the undersigned, being the duly qualified and acting City Clerk of the City of Rochester, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and foregoing extract of minutes of a duly called and regularly held meeting of the Common Council of said City held on the date therein indicated, with the original minutes thereof on file in my office and I further certify that the same is a full, true, and correct transcript thereof insofar as said minutes relate to the actions referenced therein respecting the termination of the Development Assistance Agreement related to the Celestica Corporation project.

WITNESS My hand officially and the official seal of the City this ____ day of _____, 2004.

City Clerk
Rochester, Minnesota

(SEAL)

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

27

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administration	ITEM NO. D-12
ITEM DESCRIPTION PossAbilities of Southern Minnesota - Skyway Golf Classic		PREPARED BY: D. Knott

Attached is a letter from PossAbilities of Southern Minnesota asking to use apportion of the skyway system on February 7, 2004 for a fund raising golf tournament. This is the 8th year for the tournament. I am not aware of any problems associated with previous tournaments and I recommend approval of the request subject to the conditions listed below.

COUNCIL ACTION REQUESTED:

Approve the request of PossAbilities of Southern Minnesota to hold a skyway golf tournament on February 7, 2004 subject to the following conditions:

1. They may use no more than ½ the width of the skyway bridge or corridor for the golf course. This will leave the remaining area open to public use.
2. They provide the City with a hold harmless agreement acceptable to the City Attorney and naming the City as an additional insured on their insurance policy.
3. They have the permission of the property owners abutting the skyway segments to be used for the course.
4. They are responsible for clean up after the event.
5. The tournament will be limited to the locations identified in the layout plan provided by PossAbilities.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

**FAX****Date** 12/5/03**Number of pages including cover sheet** 2**TO:** Doug Knott
Downtown Dev**Phone****Fax Phone** 287-7979**FROM:** Vicki Dearth
Marketing & Development
Director
PossAbilities of Southern
Minnesota
1808 3rd Avenue SE
Rochester, MN 55904**Phone** 507-287-7100**Fax Phone** 507-281-6117**CC:****REMARKS:** ☐ Urgent ☒ For your review ☒ Reply ASAP ☐ Please Comment

We are in the planning stages for our 8th annual Skyway Golf Classic: A Benefit for PossAbilities of Southern Minnesota and request permission to use the skyway area that affects your building(s) as per the attached map.

Please sign below on the dotted line if you give permission for PossAbilities of Southern Minnesota to use the skyway for this golfing event to be held on Saturday, February 7, 2004.

Please fax back this form back to me as soon as possible. Thank you for your assistance in this matter.

Vicki Dearth

Skyway Golf Classic

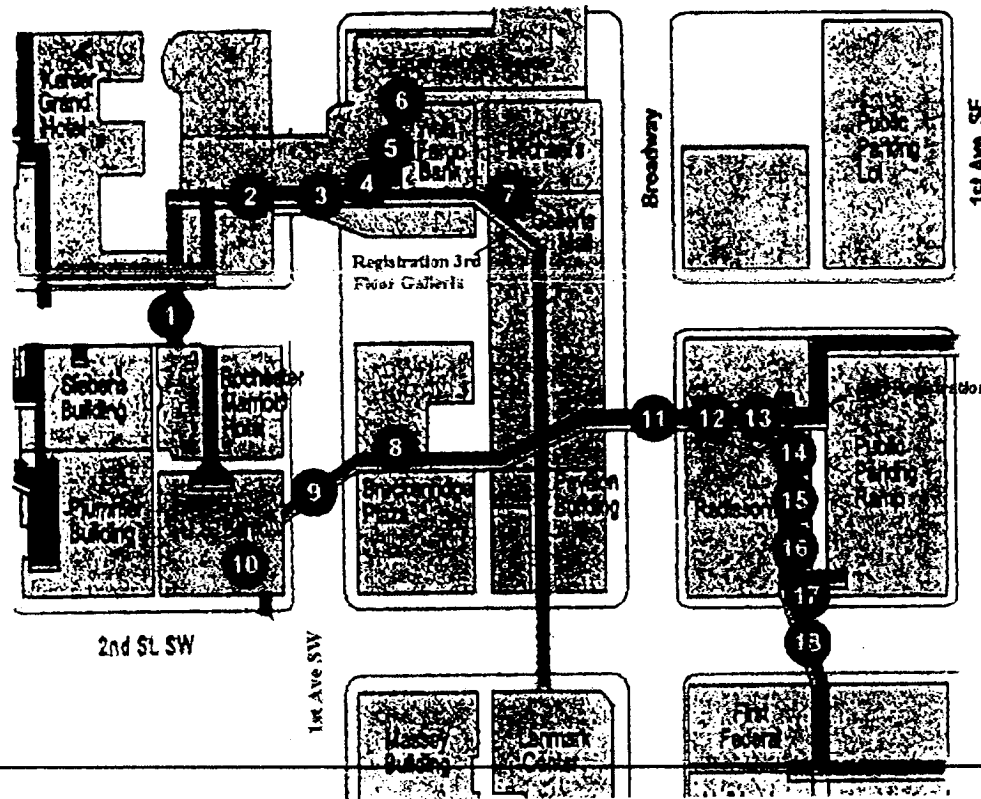
a benefit

POSSABILITIES

OF SOUTHERN MINNESOTA

Registration on Third Floor of the Center Place Galleria

Saturday
February 8, 2003



18 Hole Course

1. Merchants Bank
2. R&S Transport
3. Rochester Honkers Baseball Club
4. Wells Fargo
5. Insty-Prints Business Printing Services
6. Venture Computer Systems
7. PossAbilities Transportation Team

8. Lesmeister Diversified Services/
Lesmeister Truck Center
9. Coca-Cola Austin/Rochester
10. John Hardy's Bar-B-Q
11. Downtown Business Association
12. Recreation Lanes
13. Butler Video

14. IBM Credit Union
15. Pepsi-Cola Bottling Company
16. C.O. Brown Agency
17. Dunlap & Seeger P.A./Hiawatha Homes
18. Rochester Civitan Club



REQUEST FOR COUNCIL ACTION

MEETING **31**

DATE: 1/5/04

AGENDA SECTION:

Consent

ORIGINATING DEPT:

Rochester International Airport

ITEM NO.**D-13****ITEM DESCRIPTION:** Professional Services Agreement with ACSG, Inc. for Phase #1 of a project to make improvements to existing pavements and extend Runway 13-31.**PREPARED BY:**
Steven W. Leque

The Rochester Airport Commission recommends and requests Council authorization to:

1. Enter into a professional services agreement with ACSG, Inc. for Phase #1 of a project to make improvements to existing airfield pavements and extend Runway 13-31. This agreement is a not-to-exceed \$563,000.

Funding: 95% Federal
5% Local

2. Advertise for bids for Phase #1 of the project.

COUNCIL ACTION REQUESTED:

Resolution authorizing the Mayor and the City Clerk to execute the professional services agreement, the bid advertisement and all other documents associated with this project.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

33

AGENDA SECTION:

Consent

ORIGINATING DEPT:

Rochester International Airport

ITEM NO.

D-14

ITEM DESCRIPTION: Professional Services Agreement, bid advertisement, and State Aid Agreement for CSAH 16 relocation in preparation for Runway 13-31 extension.**PREPARED BY:**
Steven W. Leque

The Rochester Airport Commission recommends and requests Council authorization to:

1. Enter into a professional services agreement with McGhie & Betts for work on CSAH 16 relocation in preparation for the Runway 13-31 extension. This agreement is a not-to-exceed \$184,100.
2. Accept a State Aid Agreement for 70% funding for the professional services agreement.
3. Advertise for bids for CSAH 16 relocation project.

Funding: 70% State
30% Local

COUNCIL ACTION REQUESTED:

Resolution authorizing the Mayor and the City Clerk to execute the professional services agreement, the State Aid Agreement, the bid advertisement and all other documents associated with this project.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

24

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

35

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-15
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

BEER – OFF SALE 3.2 %

Tejano Grocery
815 4th St SE
Rochester, Mn. 55904

GAMBLING – TEMPORARY

Rotary Club of Rochester Foundation
1112 11th Ave NW
Rochester, Mn. 55906
Raffle 5/13/03 AT
Best Western Apache
1517 16th St SW
Rochester, Mn. 55902

Ben Franklin PTSA
1801 9th Ave SE
Rochester, Mn. 55904
Raffle 2/26/04 & 5/7/04

Hiawatha Valley Chapter – Nat'l Wild Turkey Federation
601 8th Ave NW
Rochester, Mn. 55901
Raffle 2/21/04 AT:
Radisson Centerplace Hotel
150 South Broadway

HEATING CONTRACTOR

Larry Kilgore Repair
58462 160th St
Rose Creek, Mn. 55970

36

LICENSES, BONDS AND MISCELLANEOUS
PAGE 2
JANUARY 5, 2004

MASTER INSTALLER

Larry Kilgore
58462 160th St
Rose Creek, Mn., 55970

Rashid Kidir
2132 Rocky Creek Dr NE
Rochester, Mn. 55906

LIQUOR – TEMPORARY ON SALE

Rochester Public Library
101 2nd St SE
Rochester, Mn. 55904
Fundraiser 1/17/04

MISCELLANEOUS CITY ACTIVITIES

Melvin Greenlee
Rt 1 Box 121
Chatfield, Mn. 55923
Wedding Carriage 1/10/04 4:30PM to 6:30PM
1315 6th Ave SE to Marriott Hotel (on 1st Ave SW)

COUNCIL ACTION REQUESTED

A Motion to approve the above licenses, bonds and miscellaneous city activities.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

37

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
CITY CLERK**ITEM NO.**

D-16

**ITEM DESCRIPTION: ADDRESS CHANGE FOR THE SANDTRAP – EXCLUSIVE
ON SALE AND SUNDAY INTOXICATING LIQUOR LICENSE****PREPARED BY:**
DONNA J SCHOTT

Application has been received from Donald McBurney for the location change for The Sandtrap located at 1618 Highway 52 North. Effective about February 1, 2004 the new location will be 3342 19th St NW.

Approval of the location change would be pending insurance certificates and all departmental approvals.

COUNCIL ACTION REQUESTED

A motion to approve the location change of The Sandtrap from 1618 Highway 52 North to 3342 19th St NW.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

39

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-17
ITEM DESCRIPTION: ON SALE & SUNDAY INTOXICATING LIQUOR LICENSE FOR BEETLE'S BAR & GRILL INC.		PREPARED BY: DONNA J SCHOTT

Application has been received from Michael K Kothebeutel for an On Sale and Sunday Intoxicating Liquor License for Beetle's Bar & Grill to be located at 230 20th Ave SW. Scheduled opening of the restaurant is for May 1, 2004.

Approval of the license would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the On sale and Sunday Intoxicating Liquor License for Beetles Bar & Grill, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/5/04

41

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-18
ITEM DESCRIPTION: EXCLUSIVE ON SALE & SUNDAY INTOXICATING LIQUOR LICENSE FOR MICKEY'S IRISH SALOON		PREPARED BY: DONNA J SCHOTT

Application has been received from Michael W. Clark for an **EXCLUSIVE** On Sale and Sunday Intoxicating Liquor License for MCW of Rochester, Inc. DBA Mickey's Irish Saloon. The street bar will be located at 1605 Civic Center Dr NW. Opening is scheduled for March 1, 2004.

Approval of the license would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the application for an **EXCLUSIVE** On Sale and Sunday Intoxicating Liquor License for MCW of Rochester, Inc. DBA Mickey's Irish Saloon.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

12

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

43

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO D-19
ITEM DESCRIPTION: WINE & ON SALE 3.2% BEER LICENSE FOR ATE PLUS INC. DBA DUNN BROS. COFFEE		PREPARED BY: DONNA J SCHOTT
<p>Application has been received from Dennis and Lynn Wong for an On sale Wine and 3.2% Malt Liquor license for Ate Plus, Inc. DBA Dunn Bros. Coffee. The restaurant/coffee shop will be located at 120 Elton Hills Dr NW. Tentative opening is scheduled for February 15, 2004.</p> <p>Approval of the licenses would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.</p> <p><u>COUNCIL ACTION REQUESTED</u></p> <p>A motion to approve the application for an On Sale Wine and 3.2% malt Liquor License for Ate Plus, Inc DBA Dunn Bros. Coffee.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

7

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/03

45

AGENDA SECTION:

Consent Agenda

ORIGINATING DEPT:

Finance Department

ITEM NO.

D-20

ITEM DESCRIPTION:

Approval of Accounts Payable

PREPARED BY:

Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of \$8,993,945.00

Accounts payable of \$8,718,689.32

Total disbursements \$17,712,634.32

(Detailed listing of disbursements submitted separately.)

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01/05/04

47-

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: FINANCE	ITEM NO. D-21
ITEM DESCRIPTION: Closing of Tax Increment Projects - Fund 511		PREPARED BY: Dale Martinson

Attached is a prepared resolution closing completed projects and authorizing transfer of the necessary funding. The project funds were created and financed pursuant to City Charter, Section 11.10.

The amount of funds transferred is \$17,621.38.

The amount transferred to active projects as listed in item two of the resolution include funds from interest earnings.

Net interest earnings transferred is \$302,619.31.

COUNCIL ACTION REQUESTED:

Respectfully request a motion adopting the prepared resolution closing completed tax increment projects and authorizing the necessary fund transfers pursuant to the City Charter, Section 11.10.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

12

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/5/04

49

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: FINANCE	ITEM NO. D-22
ITEM DESCRIPTION: Capital Improvement Projects - Transfer of the Unexpended Balance of Funds		PREPARED BY: Dale Martinson

Attached is a prepared resolution closing completed projects, or completed phases within specific projects, and authorizing transfers of the unexpended balances. The project funds were created and financed pursuant to City Charter, Section 11.10.

The amount of funds transferred to close projects is broken down as follows:

Airport	\$ 130,536.45
Park & Recreation	172,857.54
Streets	226,684.74
Traffic Signals	86,895.61
Sidewalks & Bike Trails	23,829.34
Storm Water/Storm Sewer	1,259.01
Sanitary Sewer and Watermains	425,867.76
Other	76,853.41
<hr/>	
Net Funds Transferred	\$ 1,144,783.86

The amount of funds transferred to fund active projects as listed in item two of the resolution include funds from the following categories:

Streets	\$ 355,600.00
Traffic Signals	36,199.03
Storm Water/Storm Sewer	687,000.00
Sanitary Sewer and Watermains	827,156.00
Future Assessment Projects	2,098,766.00
Sales Tax	1,958,000.00
<hr/>	
Net Funds Transferred	\$ 5,962,721.03

COUNCIL ACTION REQUESTED:

Respectfully request a motion adopting the prepared resolution closing completed improvement projects, or completed phases within specific projects, and transferring unexpended balances pursuant to the City Charter, Section 11.10; and to transfer the stated amounts to fund active projects listed in item # 2 below.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

8

REQUEST FOR COUNCIL ACTION

MEETING **51**

DATE: 1/5/04

AGENDA SECTION: Organizational	ORIGINATING DEPT: Human Resources	ITEM NO. D-23
ITEM DESCRIPTION: Promotional Appointment - Captain - Rochester Fire Department		PREPARED BY: L Gilsrud

The retirement of Dennis O'Neill, Captain, effective September 29, 2003 created a vacancy for the position of Captain.

The Fire Civil Service Commission has submitted the top three (3) certified candidates for the position of Captain from the established eligibility roster and recommends the appointment of one of the three to the position of Captain.

COUNCIL ACTION REQUESTED:

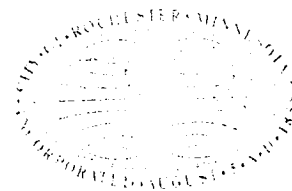
Promotional appointment of **Brennan Kelly** to the position of Captain in the Rochester Fire Department effective January 8, 2004.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



ROCHESTER

Minnesota



FIRE CIVIL SERVICE COMMISSION
GREG WALTERS NORB RYAN JOE POWERS

December 22, 2003

Honorable Council Members
City Council
City Hall
Rochester, MN 55904

Dear Council Members:

The retirement of Dennis O'Neill, Captain, effective September 29, 2003 created a vacancy for the position of Captain.

We respectfully request that you make one (1) appointment to the position of **Captain** from the following list of qualified candidates

1. Brennan Kelly
2. Chuck Solseth
3. Joe Farrell

Fire Chief David Kapler desires to have the appointment effective January 12, 2004.

Respectfully Submitted,

Norb Ryan
Secretary
Fire Civil Service Commission

53

MEETING
DATE 1/05/04

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO. D-24
ITEM DESCRIPTION: ROCOG 2004-5 Cooperative Agreement		PREPARED BY: Phil Wheeler, Planning Director

December 29, 2003

ROCOG Action:

As part of its approval of the 2004-5 Work Program in September, the Rochester Olmsted Council of Governments agreed to enter into a Cooperative Agreement for transportation planning services with the City of Rochester. The agreement is attached. It is a two-year agreement, covering the same period as the work program approved by ROCOG. Funding for City transportation planning assistance remains the same as in prior years.

Council Action Needed:

1. Approve the agreement and authorized the necessary signatures.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

4

REQUEST FOR COUNCIL ACTION

MEETING

DATE: January 5, 2004

55

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-25
ITEM DESCRIPTION: Memorandum of Agreement and Memorandum of Understanding Between the Minnesota Financial Crimes Task Force and the City of Rochester Police Department		PREPARED BY: Brian Winters

The Legislature of the State of Minnesota enacted Minn Stat. 299A.68 (2003) which created the Minnesota Financial Crimes Task Force for the purpose of investigating major financial crimes as provided for in Minn Stat. 299A.68 Subd. 2 (2003). The law provides that agencies that participate in the statewide financial crimes task force shall oversee the task force's operations by establishing procedures and guidelines in a memorandum of understanding signed by the person in charge of each participating agency of government.

A unique opportunity is available to participating agencies to obtain reimbursement for participating in the Task Force. The reimbursement grant helps defray the cost of the assignment of the officer to the Task Force. The grant amount is disbursed in a pro-rata amount over the duration of the assignment.

The Rochester Police Department would like to participate in the Task Force by assigning one of its officers for duty in the Task Force in accordance with the statute.

The Rochester Police Department has been allotted up to \$84,950.00 for annual participation. The agreement may be terminated by either party by providing 15 days written notice. The 20% match may be met by in-kind contributions. The Department has been informed that the match is based upon the entire program and has been met by the metro agencies.

The City Attorney has reviewed and approved the agreement as to form.

COUNCIL ACTION REQUESTED:

Approval for the City of Rochester or Rochester Police Department to enter into a Grant-Reimbursement Agreement with the Minnesota Financial Crimes Task. Approval for the City of Rochester or Rochester Police Department to enter into a Memorandum of Understanding with the Minnesota Financial Crimes Task Force. The Police Department further requests that the Council adopt a resolution authorizing the Mayor, City Clerk and Chief of Police to sign the Agreements.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

1/5/04

51

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-26

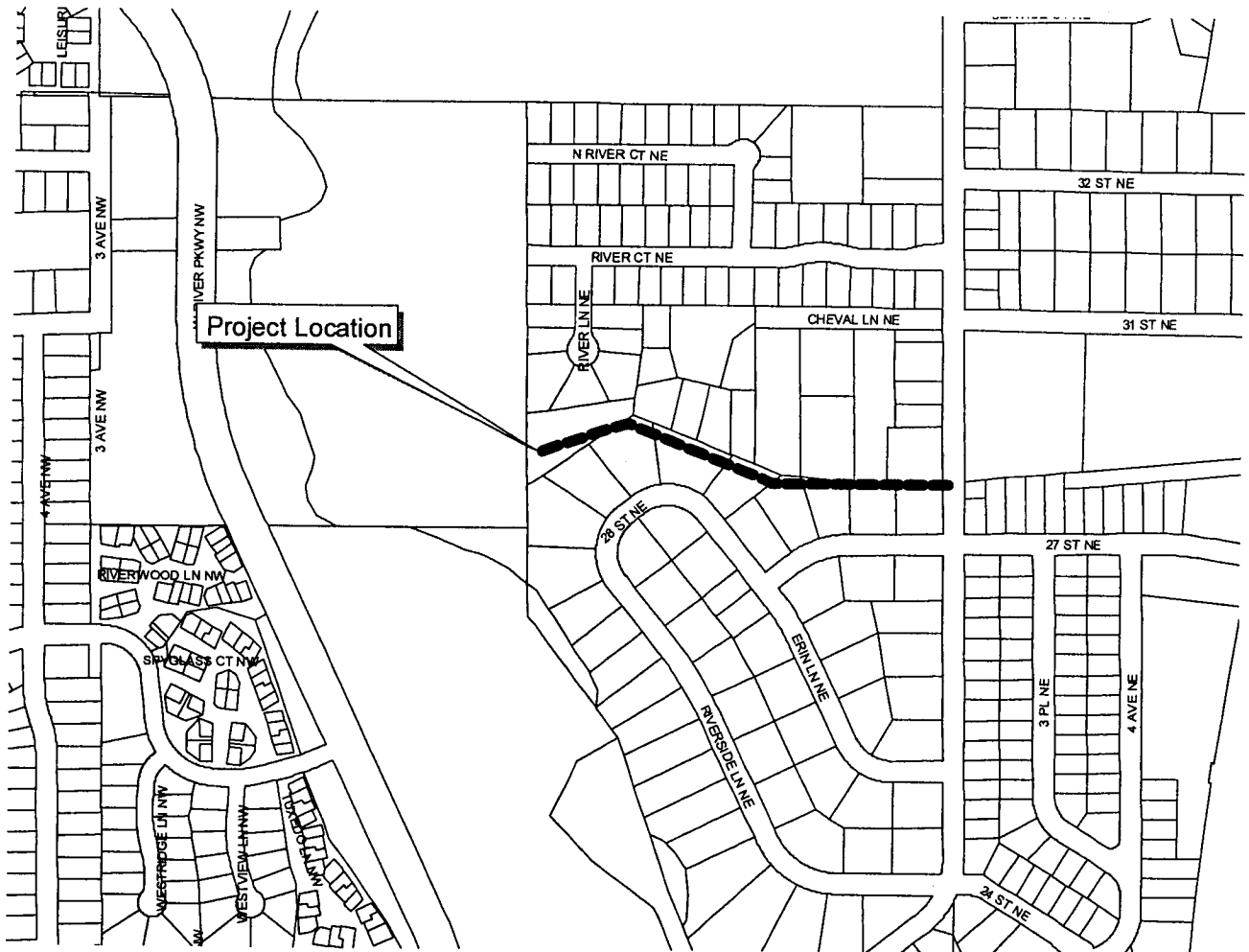
ITEM DESCRIPTION:

Engineering Services to Design a Rocky Creek Stabilization Project J 4001

PREPARED BY:J. Wellner *gn*

Residents have reported significant localized channel erosion associated with the Rocky Creek between East River Road and the west line of River Court II Addition. Preliminary evaluation of selected sections of this stream section has been made in the past. Significant erosion has occurred and is continuing at an accelerating rate. The proposed project will address the erosion in the noted segment of Rocky Creek between East River Road and the west line of the subdivision.

This project is included in the 2003 CIP as a 2004 project and has been submitted for consideration as part of the 2004 CIP funded using Storm Water Utility funds.

**COUNCIL ACTION REQUESTED:**

Adopt a resolution authorizing the Mayor and City Clerk to execute an engineering service agreement with Bonestroo, Rosene, Anderlik & Associates, Inc. in the amount of \$16,214 for the detailed design of the channel stabilization improvements.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

50

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

1/5/04

59

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**

D-27

ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS**PREPARED BY:**

M. Baker

The Department of Public Works has received a request for three (3) properties, to participate in the City's Storm Water Management Plan, which requires payment of a Storm Water Management charge:

- South Eastern Engineering Building (Lot 2, Block 1, Airport Industrial Park Second Subdivision) SDP#03-70 \$ 3,361.83
- 19th Street Business Park West LLC (Lot 1, Block 1, 19th Street Business Park) SDP#03-73 \$ 7,345.26
- Rochester Services Building (Lot 2, Block 1, Replat of Lot 2, Machinery Hill Subdivision) SDP#03-76 \$ 2,184.50

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting payment by the above noted properties, of their applicable Storm Water Management charges.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

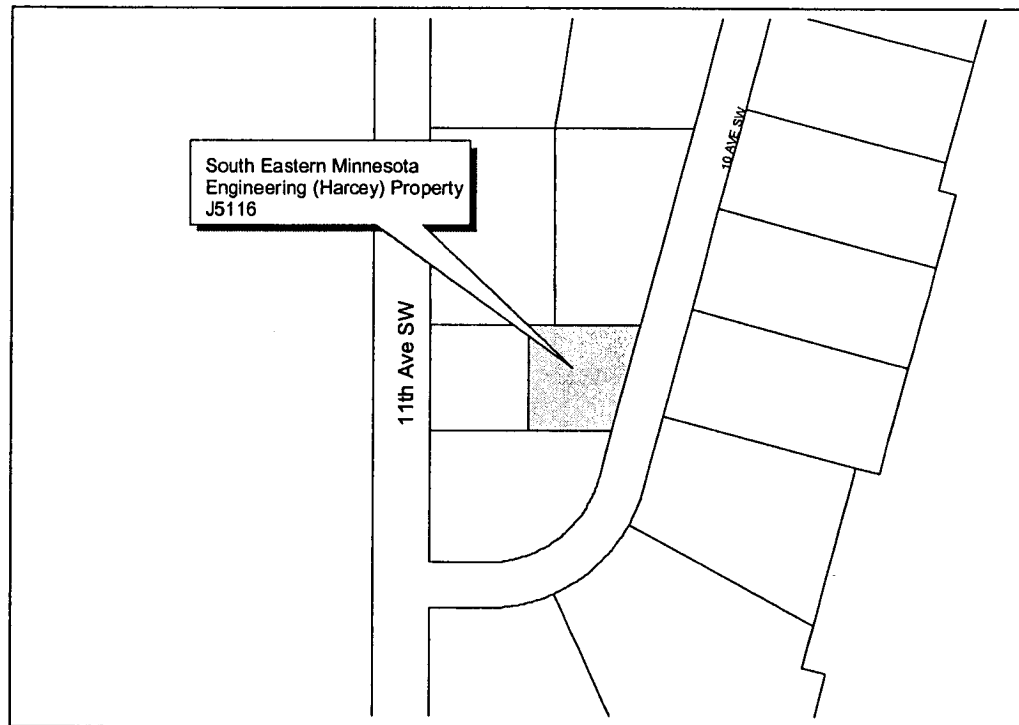
DATE:

61
1/5/04

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-28
ITEM DESCRIPTION: Owner Contract – Storm Sewer to Serve Lot 2, Block 1, Airport Industrial Park Second - J5116		PREPARED BY: m M. Baker <i>MB</i>

Staff would offer the following Owner Contract project for consideration by the Council:

Jeff R. Harcey & Mary A. Harcey. (Owners) & Swenke Company, Inc. (Contractor) are requesting a City / Owner Contract J5116, consisting of "Storm Sewer to Serve Lot 2, Block 1, Airport Industrial Park Second".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5116 "Storm Sewer to Serve Lot 2, Block 1, Airport Industrial Park Second".

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

1-5-04

63

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

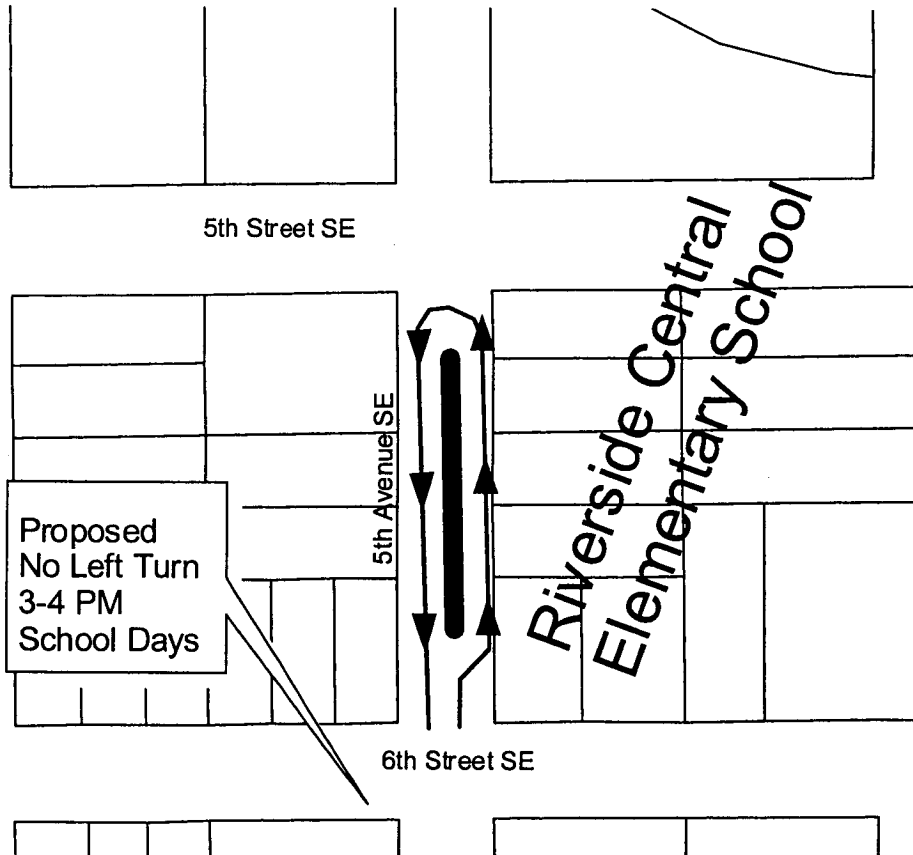
ITEM NO.

D-29

ITEM DESCRIPTION: Left Turn Restriction, Eastbound 6th Street SE at 5th Avenue**PREPARED BY:** gnD. Kramer *DFK*

Riverside Central elementary school, like all elementary schools in Rochester, experiences heavy traffic for about 15 minutes immediately after school, as parents pick up their children. The primary parent pick-up location is on 5th Ave SE between 5th & 6th Streets, with access only from 6th Street.

Parents have been asked to queue for the pick-up area on 5th Ave south of 6th Street. Some parents, however, queue on 6th Street west of 5th Avenue, which causes excessive congestion on 6th street (which is a relatively busy street), and causes hazards for pedestrians in the intersection. The school district has requested that eastbound left turns be prohibited at this intersection during the after school pick-up period.

**COUNCIL ACTION REQUESTED:**

Approve a resolution to amend the Comprehensive Traffic and Parking Resolution to add paragraph 9. to Section M "Neighborhood Traffic and Parking Control" as follows:

- 9) 6th Street SE eastbound at 5th Avenue SE, No Left Turn 3 PM to 4 PM School Days.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

GA

REQUEST FOR COUNCIL ACTION

Meeting

Date 01/05/04

AGENDA SECTION
Rochester Public UtilitiesORIGINATING DEPT:
Consent Agenda

ITEM NO.

D-30

ITEM DESCRIPTION:
Consideration of Public Utility Board ActionPREPARED BY:
Kathy Wilson

The Rochester Public Utility Board has approved the following on December 30, 2003 and requests the Common Council's favorable consideration:

- to approve a resolution to approve an insurance agreement with Starr Technical Risks Agency, Inc. for All Risk Property Insurance. The insurance agreement to be for a twelve month policy period commencing December 31, 2003 and expiring December 31, 2004. The amount of the twelve month premium to be \$566,197.00.
- to approve a resolution to approve an insurance agreement with the League of Minnesota Cities Insurance Trust. for Commercial Automobile and General Liability Insurance. The insurance agreement to be for a twelve month policy period commencing December 31, 2003 and expiring December 31, 2004. The amount of the twelve month premium to be \$104,846.00.
- to approve a resolution to approve an insurance agreement with Associated Electric and Gas Insurance Services, Ltd. (AEGIS). for Excess General Liability Insurance. The insurance agreement to be for a twelve month policy period commencing December 31, 2003 and expiring December 31, 2004. The amount of the twelve month premium to be \$68,149.00.
- to approve a resolution to approve a contract agreement with IBM and that the Common Council authorize the Mayor and the City Clerk to execute the agreement for Standby Electric Service for B020/EG#1. Initial pricing for the included services shall be finalized by the Designated Representatives prior to initiating service.
- to approve a resolution to approve the 2004 RPU electric and water capital and operating budgets.
- to approve a resolution to approve a 3% increase in electric rates effective January 6, 2004.
- to approve a resolution to approve a 4% in the Water Service (WTR) rate tariff.

GENERAL MANAGER:

Larry Hoshin 12/31/03

COUNCIL ACTION:

Motion by: _____

Second by: _____

to:

FOR BOARD ACTION

Agenda Item # 4 a.

Meeting Date:

12/30/03

SUBJECT: INSURANCE QUOTATIONS**PREPARED BY:** Curt Kraft, Director of Administration**ITEM DESCRIPTION:**

Listed below are the recommended insurance quotations for obtaining all risk property insurance and general liability and automotive insurance for 2004.

ALL RISK PROPERTY INURANCE:

The C.O. Brown Agency requested proposals from several companies. They received only one proposal from Starr Technical Risk Agency (Hartford Steam) our current property insurance provider. The other carriers declined to provide a proposal due to the cost of the reinsurance market for the amount of our property limit, which is at \$ 150,000,000.

The cost per thousand dollars of coverage remained unchanged from 2003 to 2004. The property values were updated for normal additions and deletions for the year. The values at our substation locations where adjusted to better reflect current replacement costs along with an overall 2% replacement cost adjustment to the rest of the property locations. The current policy carries a \$ 500,000 deductible at all locations. Staff is recommending that the deductible be lowered to the levels indicted in option #1 of the Starr Tech proposal.

	<u>PROPERTY VALUE</u>	<u>PREMIUM</u>
2003	\$ 189,670,000	\$ 509,227
2004	\$ 200,828,000	\$ 566,197

The above coverage does not provide for acts of terrorism.

LIABILITY AND COMMERICAL AUTO INSURANCE:

Staff recommends maintaining the same structure of coverage for liability and auto insurance, having the League of MN Cities provide the primary coverage up to \$ 1,000,000.

Staff also recommends maintaining AEGIS to provide blanket liability coverage with limits from \$ 1,000,000 up to \$ 20,000,000.

	<u>2003</u>	<u>2004</u>
League of MN Cities	\$ 101,254	\$ 104,846
AEGIS	\$ 64,134	\$ 68,149

The above coverage's do not provide for acts of terrorism.

Larry Koshine
General Manager

12-23-03
Date

67

FOR BOARD ACTION

Agenda Item # 5

Meeting Date:

12/30/03

SUBJECT: Standby Electric Service for IBM

PREPARED BY: Walt Lorber, Director of Operations

WNL

ITEM DESCRIPTION:

In mid-2001, RPU and IBM began discussions regarding the potential for RPU to provide standby service to certain IBM Rochester facilities. The critical nature of certain IBM operations requires a level of service reliability that can be met only with on-site standby generators. RPU has determined that placement of peaking generators at IBM can support both RPU's need for increasing post-CROD capacity and IBM's need for a "hardened" site.

IBM has requested proposals from RPU for two units, approximately 2000 kW each. A project team has been developing specifications for two diesel-fueled, automatic-start, remote-operated gensets with sound attenuation that meets IBM's criteria for noise levels. The focus of the past year has been on obtaining an operating permit. The MPCA's initial position would have required that IBM permit the gensets as IBM operated units, thus requiring a modified site permit. RPU and IBM have now convinced the MPCA that IBM will have no control over the units and that RPU is the proper permitting entity. With this decision, permitting can now proceed. Assuming a permit issuance by April 1, 2004, the two gensets are targeted for commissioning approximately July 1.

An agreement for standby service has been drafted and is attached. The agreement is specifically for IBM's Building 20. A similar agreement will be developed for a second service point. With the slippage in schedule, IBM now requests that both services proceed together, so two gensets will be bid. The exact charge to IBM for standby service will not be determined until bids have been received, but is projected to be in the range of \$50,000 - \$75,000 annually per genset. The charge will be based on the differential cost to RPU of installing diesel capacity versus combustion turbine capacity. RPU has proposed to purchase used gensets, if units meeting specifications are available. A term of ten years is identified, with IBM obligated to pay certain "stranded" costs if the service is terminated early.

IBM has requested that RPU utilize the same consulting firm that is doing IBM's internal work: Ulteig Engineers. RPU expects to begin working with Ulteig under a purchase agreement approved by the GM. Specifications are expected to be issued in late January. The purchase cost of the two gensets is estimated to be approximately \$1.0 - 2.0 million, depending on whether new or used units are purchased. The 2004 budget contains \$2.5 million for the project. The budget assumes a financing instrument will be used.

UTILITY BOARD ACTION REQUESTED:

Request the Common Council to approve the attached agreement, with pricing to be established by the Designated Representatives prior to commercial operation, for "Standby Electric Service for B020" and authorize the Mayor to execute the agreement.

Larry Koshine
General Manager

12-23-03
Date

FOR BOARD ACTION

Agenda Item # 6

Meeting Date: 12/30/03

SUBJECT: APPROVAL OF 2004 WATER AND ELECTRIC CAPITAL
AND OPERATING BUDGETS

PREPARED BY: Curt Kraft
Director of Administration

ITEM DESCRIPTION:

At the November RPU Board meeting, the electric and water operating budgets were presented to the Board. Budget detail was provided to allow the Board time to review the information and direct any specific questions regarding its content to RPU management.

The 2004 forecasted electric sales growth is 4.8% over expected 2003 results. The materials presented in November showed a 2% overall electric rate increase. Under this assumption, forecasted electric retail revenues are approximately \$89.0 million, a 8.0% increase over the expected 2003 results. Each 1% rate increment adds approximately \$890,000 to revenues. (See separate FBA for requesting approval of rate increase effective in early January, 2004.)

The 2004 forecasted water sales are 2.8% less than expected 2003 results. The summer of 2003 was exceptionally dry. The 2004 forecast assumes average precipitation. The materials presented in November showed a 4% overall electric rate increase. Under this assumption, forecasted water retail revenues are approximately \$6.3 million, a 4.5% increase over the expected 2003 results. Each 1% rate increment adds approximately \$61,000 to revenues. (See separate FBA for requesting approval of rate increase effective in early January, 2004.)

Both electric and water budgets continue to reflect strong economic growth in the community along with the related capital expenditures on infrastructure to serve this growth. Additionally both budgets reflect significant expenditures on the utility reroutes required by the extensive highway projects that are underway in our community.

UTILITY BOARD ACTION REQUESTED:

The Board is requested to approve the 2004 electric and water capital and operating budgets.


General Manager

12-23-03
Date

69

FOR BOARD ACTION

Agenda Item # 7.

Meeting Date:

12/30/03

SUBJECT:

2004 Electric Revenue Adjustment

PREPARED BY:

Larry Koshire, General Manager

ITEM DESCRIPTION:

At the November Utility Board meeting, staff presented various electric revenue adjustment alternatives and the projected ability of each alternative to meet board policy requirements for cash reserves. The Board acted to notice a proposed rate increase of up to 3% to be considered at their December 30 board meeting. This notice was provided to the public via the paper of record in accordance with board policy.

The base case for the budget presented at the November board meeting included an overall rate increase of 2%. The Board considered current and projected electric reserves, and requested additional studies to determine the impact of a 3% increase. In evaluating the additional review of reserve projections, recent discussion of the electric utility reserve levels by Fitch Rating Agency, and the fact that the projected 1% increase in 2003 was not enacted, consideration of the Board's proposed 3% increase is appropriate.

Staff recommends that the Board proceed with a recommendation to the City Council for increasing electric rates by 3% effective January 6, 2004. A 3% increase would increase the typical residential bill by approximately \$1.72 per month.

UTILITY BOARD ACTION REQUESTED:

1. Approve and recommend to the City Council a 3.0% electric rate increase to all customer classes effective January 6, 2004.

2. Approve a resolution to approve the following rate schedules effective January 6, 2004.

Residential Service (RES)	Large Industrial Service (LIS)
Residential Service-Dual Fuel (RES-DF)	Interruptible Service (INTR)
Residential-High Efficiency HVAC (RES-HEF)	City Street Lighting (CSL)
General Service (GS)	Traffic Signals (TS)
General Service Time-Of-Use (GS-TOU)	Highway Lighting (HL)
Medium General Service (MGS)	Security Lighting (SL)
Medium General Service Time-Of-Use (MGS-TOU)	Civil Defense Sirens (CDS)
Large General Service (LGS)	

Larry Koshire

General Manager

12-24-03

Date

ROCHESTER PUBLIC UTILITIES

FOR BOARD ACTION

Agenda Item # 8

Meeting Date:

12/30/03

SUBJECT:

2004 Water Revenue Adjustment

PREPARED BY:

Larry Koshire, General Manager

ITEM DESCRIPTION

At the November Utility Board meeting, staff presented various water revenue adjustment alternatives and the projected ability of each alternative to meet board policy requirements for cash reserves. The Board acted to notice a proposed rate increase of up to 5% to be considered at their December 30 board meeting. This notice was provided to the public via the paper of record in accordance with board policy.

The base case for the materials presented at the November board meeting was an overall rate increase of 4%. A 4% increase will result in an increase of approximately \$0.42 per month for a typical residential customer. The Board's notice of up to 5% increase considered the need to have higher reserve levels because forecasting cash requirements are difficult. An additional 1% increase would allow buildup of reserves to fund capital requirements because of rapid load growth and Highway 52 construction. If the Board desired to increase reserve levels, an additional 1% increase would add an additional 10 cents per month to the typical residential bill.

Staff recommends that the Board proceed with a recommendation to the City Council for increasing water rates by 4% effective January 6, 2004.

UTILITY BOARD ACTION REQUESTED:

1. Approve and recommend to the City Council a 4.0% water rate increase to all customer classes effective January 6, 2004.
2. Approve a resolution to approve the attached rate schedules effective January 6, 2004.

Water Service (WTR)

Fire Hydrant Facilities Charge (FHFC)

no change per Utility Board. 12-30-03 K Wilson

Larry Koshire
General Manager

12-24-03
Date

ROCHESTER PUBLIC UTILITIES

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1/5/04

AGENDA SECTION: Organizational Business	ORIGINATING DEPT: Mayor's Office	ITEM NO. D-31
ITEM DESCRIPTION: Appointment to the Olmsted County Housing & Redevelopment Authority		PREPARED BY: Mayor Brede

I hereby submit for your approval the following appointment to the Olmsted County Housing & Redevelopment Authority:

Mr. Stacy Jahraus
901 9th Ave NW, Byron, MN

Mr. Jahraus will fill the unexpired term of Joan Karrow. His term will expire December 2006.

PERSONAL INFORMATION

Name Mr. Stacy Jahraus Ward _____
Address 901 9th Ave NW Byron Zip Code 55920
Phone (H) 507-775-7169 (B) - (FAX) -
E-mail SJahraus2@r/sn.com

How long have you been a resident of Rochester? _____

Are you or any of your family members presently employed by the City of Rochester or serving on any of the City's advisory boards?

Yes _____ No ☒ If yes, explain: _____

EXPERIENCE AND EDUCATION

Name of Employer: Wells Fargo Home Mortgage
Occupation: Mortgage Lender - Sales Manager
Education: Bachelor of Science

Community Service/Activities: Dance for Life Benefit for American Red Cross
Helped on Habitat for Humanity Home

Please list major responsibilities that you have had or currently have in a community project or organization or in your occupation:

8 direct Reports
Manage Sales Activities and Meetings
Manage my own Current Business as well as the business of my Reports
Civic/Professional Organization Memberships:
Leaders Club 2001, 2002, 2003. Membership based on
Top 120 in Loan Volume of Wells Fargo Home Nationwide
(units)

ADDITIONAL INFORMATION

Please indicate why you are interested in being appointed to an advisory board, and why you feel you are qualified to serve on the advisory board(s) previously indicated.

See Attached

What do you believe you could contribute if appointed to an advisory board?

See Attached

How do you believe you would benefit if appointed to a Board or Commission?

See Attached

I am **NOT** available for Board/Commission meetings on the following days / evenings (circle):

Monday

Tuesday

Wednesday

Thursday

Friday

*Wells Fargo Meeting 8-10
once a month*

CONFLICT OF INTEREST

Conflict of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain, or other personal interest. A conflict of interest may also occur if you hold a private or other public position in addition to your City advisory board which may interfere with your discharge of your City responsibilities. In accordance with these definitions, do you have any legal or equitable interest in any business, however organized, which in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ___ No ☒ If yes, please provide details on a separate sheet of paper.

Do you own any real property located in Rochester, other than your residence, in which you have a legal or equitable interest which, in the course of your participation in a City advisory board, could give rise to a conflict of interest?

Yes ___ No ☒ If yes, please provide details on a separate sheet of paper.

As a Board, Commission or Committee member, what issue(s) might cause conflict between civic responsibility and personal/professional interests?

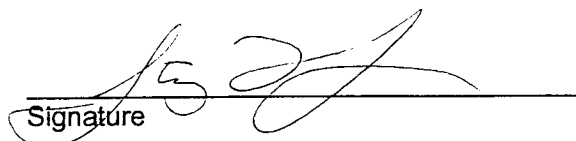
None

As required by City ordinance, if appointed to a City advisory board, you must complete a disclosure statement and file it with the City Clerk.

You may attach a resume if you desire. The selection process will vary according to the number of applicants and vacancies, and may not include interviews with all candidates.

Thank you for your interest in serving on an advisory board for the City of Rochester.

12-22-03
Date


Signature

Additional Information

I am interested in being appointed to the Olmsted County Housing & Redevelopment Authority because I have a strong interest in learning about the housing programs Olmsted County currently offers and a desire to be an active part of new programs which offer solutions to problems. In addition to the nearly 8 years of experience I have in the mortgage industry, I feel I am qualified for the position because in my line of work I deal with many people of varying backgrounds – all with different needs. I have a vast knowledge of various affordable housing programs and am able to listen to people, determine their needs, and recommend a program that they will be of benefit. As you can see by my Customer Service Recognition Awards, I am very interested in serving my clients to the best of my ability. As a member of the board, I would be just as dedicated toward serving the people of Olmsted County. I also look forward to the opportunity of increasing my knowledge of programs and addressing the housing issues of Olmsted County.

REQUEST FOR COUNCIL ACTION

MEETING
1/5/04

71

AGENDA SECTION: Public Hearing	ORIGINATING DEPT: CHARTER COMMISSION	ITEM NO. E-1
ITEM DESCRIPTION: Charter amendment by ordinance – change in special election notification timelines.		PREPARED BY: Charter
<p>The Charter Commission recommends that the City Council amend Section 3.001 of the Rochester Home Rule Charter to make it consistent with state law. When Section 3.001 was adopted, state law required that notice be provided to the county auditor 45 days prior to the election. State law was subsequently amended to require 49 days notice. The proposed amendment reads as follows:</p> <p>SECTION 3.001 <u>Special elections for vacant offices.</u> When a special election is required to fill a vacant office, the special election shall occur on a date established by the common council. The time allowed for the filing of candidates for such office shall be not less than seven (7) days. The special election, or a special primary election if needed, shall be held within forty-five forty-nine (4549) days of the deadline for filing. A special primary election shall be held if more than two (2) candidates file for such office, with the two candidates receiving the most votes proceeding to the special election. When a special primary election is held, the special election shall be held not more than forty-two (42) days thereafter.</p> <p>Under Minn. Stat. §410.12, subd. 7, amendments to the charter may be made by ordinance upon recommendation by the charter commission. Amendment of a charter may be made only after a public hearing upon two weeks' published notice containing the text of the proposed amendment. Following the hearing, the council may adopt the ordinance amending the charter by affirmative vote of all its members, subject to the public's right to object by petition.</p> <p>COUNCIL ACTION REQUESTED: Adopt the proposed ordinance upon affirmative vote of all members present. This ordinance will be effective 90 days after publication unless a petition objecting to its adoption is filed in accordance with state law.</p>		
COUNCIL ACTION: Motion by:_____ Second by:_____ to:_____		

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-05-04

13

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Type III, Phase II Incentive/Restricted Development Preliminary Plan #03-50 and Variance #03-26 by Carpenter & Torgerson II, LLC. The applicant is proposing to develop a 117 room, 5 story hotel at the corner of 2 nd St. SW and 13 th Ave. SW. The total floor area ratio is 1.79 and provides 122 parking spaces and proposes to construct over the alley. The applicant is also requesting a variance to the setback and signage regulations. The property is located along the north side of 2 nd St. SW, along the west side of 13 th Ave. SW and along the south side of 1 st St. SW.		PREPARED BY: Brent Svenby, Planner

December 30, 2003

NOTE: Staff recommends the addition of one more condition. The recommended condition is number 12 on the next page.

The applicant is requesting Council to waive the final plan review. Staff does recommend in favor of the request.

Two additional variances were published for the Council meeting. The Council will need to take action on them.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003, to consider this Incentive/Restricted Development. ***The applicant also requested one variance (building height) which is included in the staff report. The CPZC did grant the variance requested.*** The proposal is to construct a 117 unit hotel on the site.

Ms. Stephanie Kilen (821 First Street SW, Rochester MN 55902), President of the Kutzky Park Neighborhood Association, addressed the Commission. She stated that the applicant has set a standard in terms on how to work with neighborhoods. She stated that the neighborhood association as a whole supports the project, as well as the requested variances to reduce the setback along 2nd Street SW.

The Planning Commission reviewed this request according to the applicable criteria and standards in the LDM. The Commission found that this request is consistent with those criteria, subject to the following modifications or conditions:

1. The Final Development Plan application shall include:
 - Building elevations that identify building materials and colors;
 - A landscaping/streetscape plan that identifies the planting species;
 - A revised signage plan that meets the signage requirements for transient accommodations in the B-1 zoning district, unless a variance is granted.
2. An approved grading/drainage plan is required prior to construction. Storm water management must be provided and a fee will be applicable to all new areas of impervious surface associated with the redevelopment of this property.
3. The condition of the existing pedestrian facilities along the frontages of the property will be reviewed by Public Works staff and any needed repair work or panel replacement work shall be done by the developer at it's own expense, concurrent with redevelopment of the site.
4. All existing driveway curb-cuts that are not intended to be used for the development shall be removed and replaced with curb, gutter and boulevard at the owner's expense.
5. The signs identified as auxiliary signs and freestanding sign at the corner of 2nd Street SW and 13th Ave. SW shall be moved out of the traffic visibility zones.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

6. The alley and driveways shall be constructed to City design standards. The alley shall be a minimum of 20 feet in width of concrete from 13th Ave. SW to the west property line.
7. The applicant shall dedicate controlled access along the entire frontage of 2nd Street SW.
8. The approval of this development is contingent upon the applicant receiving a Revocable Permit from the City for the construction of and proposed structures within the airspace over the existing alley and the canopy along 13th Avenue SW.
9. The developer is responsible for all the cost associated with utility relocation to accommodate this development. All existing water services stubbed to the property must be abandoned properly at the main in the street, prior to any building excavation, per the requirements of the RPU Water Division.
10. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping/streetscape will occur from the plans approved by the City Council.
11. If a variance is not granted for the setback along 2nd Street SW and site shall be redesigned to meet the setback requirements along 2nd Street SW.
12. There shall be no parking along the south side of the alley. The area shall be posted "Loading Zone Only".

Mr. Haeussinger moved to recommend approval of Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 by Carpenter & Torgerson II, LLC with the staff-recommended findings and conditions. Mr. Dockter. The motion carried 9-0.

Council Action Needed:

1. The Council may approve, approve with conditions, or deny this request. If the Council wishes to proceed with the proposed amendment, it should instruct the City Attorney to prepare a resolution authorizing the changes to the approved plan. The resolution should also specify any conditions of approval that the Council places on this amendment.
2. A motion to approve or deny the two variances requested.
3. The applicant has requested the Council waive the need for a Final Plan phase for this project as allowed in Section 60.532, 6 which is attached. Staff recommends approval to waive the Final Plan phase since the request will meet the criteria included in Section 60.532, 6.

Attachments:

1. Staff Report dated October 3, 2003
2. Memorandum dated December 5, 2003
3. Memorandum dated December 30, 2003
4. Minutes of the December 10, 2003 CPZC Meeting

Distribution:

1. City Clerk
1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 5, 2004 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
5. Waters Edge Architectural Group

75

SUMMARY OF SIGN VARIANCE REQUEST

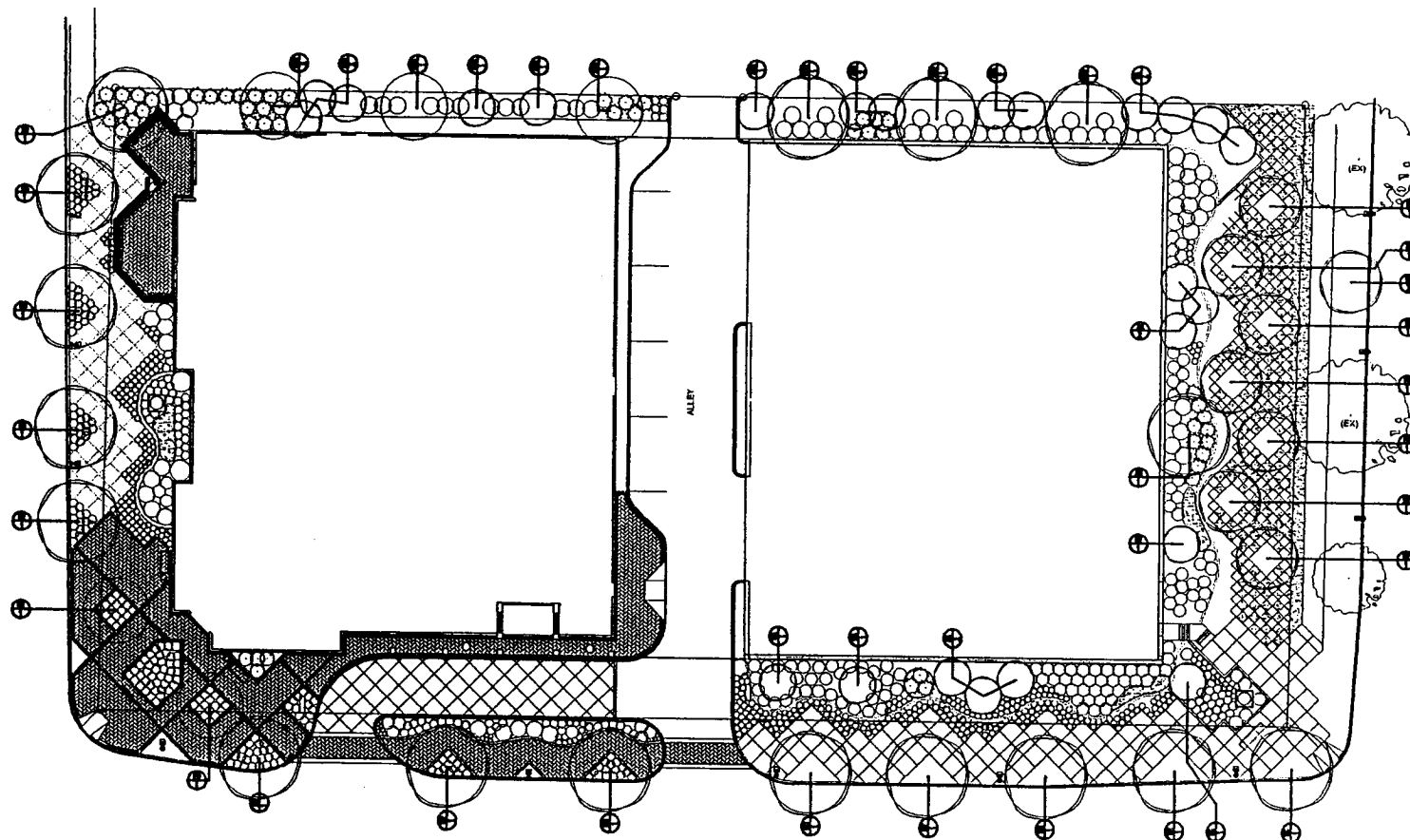
(revised per staff review 12/29/03)

Signs

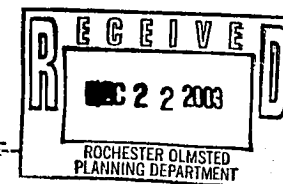
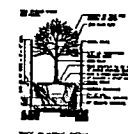
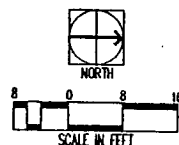
There are a total of 8 signs proposed with this project as identified below. Note that the permitted area indicated in the table below shows the permitted area of two sided signs where the faces are back to back as indicated in section 63.223 of the zoning ordinance.

	AREA PERMITTED	AREA
PROPOSED		
FREE STANDING SIGNS		
• 1 (50 SF would be permitted per side back to back)	50 SF	10.2 SF
WALL SIGNS		
• 3 Courtyard / Marriott signs @ 142 SF ea	67.5 SF	426 SF
PROJECTING SIGNS		
• 2 two sided Restaurant identification signs @ 16 SF / side back to back	32 SF	32 SF
AUXILLIARY SIGNS		
• 3 two sided monument style directional signs @ 10 SF / side back to back	25 SF	20.4 SF

76



PLANT SCHEDULE									
SYMBOL	SYMBOL	COMMON NAME	COMMON NAME	COMMON NAME	COMMON NAME	COMMON NAME	COMMON NAME	COMMON NAME	COMMON NAME
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100



<p>McGraw-Hill</p> <p>CONSTRUCTION</p> <p>1111 18TH AVE. NW, SUITE 200</p> <p>MINNEAPOLIS, MN 55401</p>	<p>McGraw-Hill</p> <p>CONSTRUCTION</p> <p>1111 18TH AVE. NW, SUITE 200</p> <p>MINNEAPOLIS, MN 55401</p>	<p>McGraw-Hill</p> <p>CONSTRUCTION</p> <p>1111 18TH AVE. NW, SUITE 200</p> <p>MINNEAPOLIS, MN 55401</p>
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LANDSCAPE PLAN
 Marriott Courtyard Hotel
 Rochester, MN



WATERS EDGE
 ARCHITECTURAL
 117 1/2 S. W. 1st St., Suite 100
 Rochester, MN 55901
 Phone: (507) 251-1111
 Fax: (507) 251-1112

I hereby certify that this drawing was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of

MINNESOTA

JOHN D. HARNER

REG. NO. 22908

DATE 02/02/03

REVISIONS

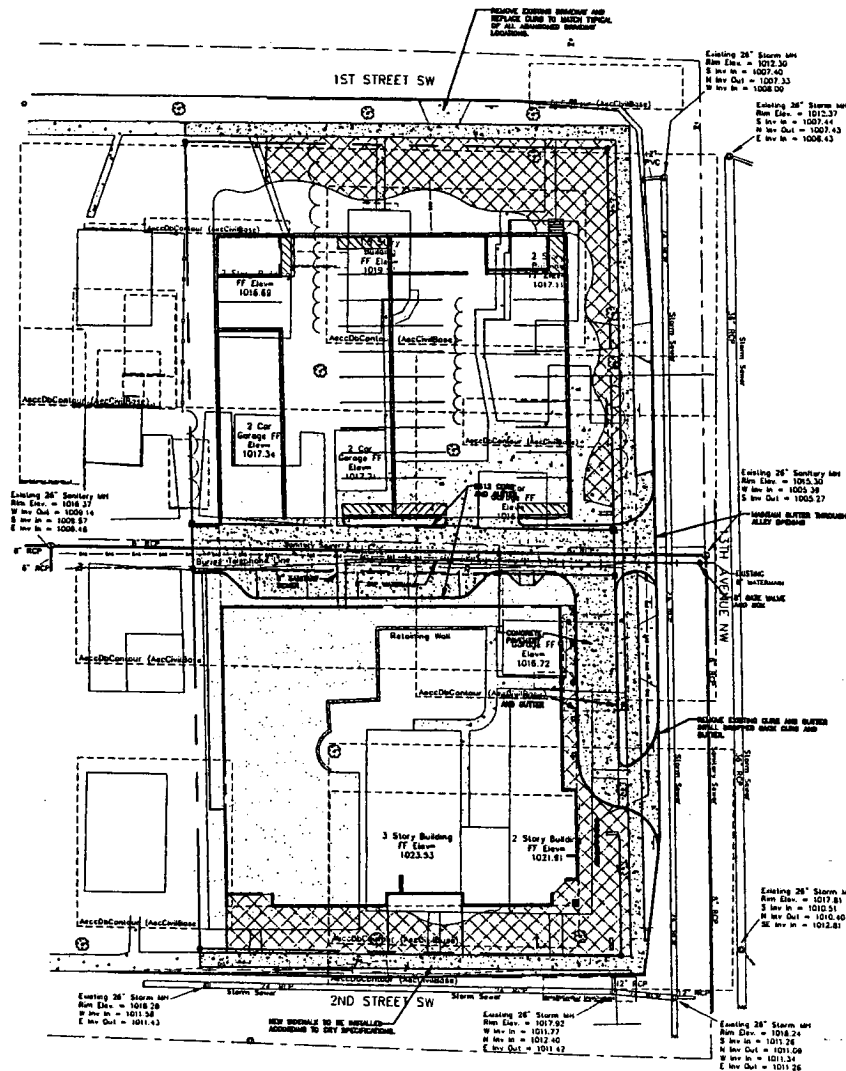
NO. ITEM DATE

A5

5 OF 8 SHEETS

77

[illegible]



UTILITY AND SURFACING NOTES:

WATER AND SANITARY SEWER UTILITIES

1. WATER MAIN AND ANY WATER SERVICE LINES SHALL BE PLACED AT A MINIMUM DEPTH OF 8 FEET BELOW FINISHED GRADE.
2. IF CONFLICTS ARE DISCOVERED WHERE WATER MAIN CROSSES SANITARY SEWER SERVICE LINES, OR STORM SEWER, THE WATER MAIN SHALL BE RAISED OR LOWERED APPROPRIATELY WHILE STILL MAINTAINING A MINIMUM DEPTH OF 8 FEET BELOW FINISHED GRADE.
3. ALL APPLICABLE LOCAL, STATE, AND FEDERAL STANDARDS, REGULATIONS, AND REQUIREMENTS SHALL BE OBSERVED WHEN PLACING THE WATER AND SEWER SERVICES UNDER BUILDINGS.
4. AT LOCATIONS WHERE WATER MAIN, WATER SERVICE, SANITARY SEWER, OR SANITARY SERVICE CROSSES STORM SEWER WITHIN 7 FEET OF THE OUTSIDE OF THE PIPES, INSULATION WILL BE PLACED BETWEEN THE PIPES TO PROVIDE PROTECTION TO THE WATER AND/OR SANITARY LINES.
5. INSTALL SANITARY SEWER LINE CLEANOUTS AS REQUIRED BY THE LOCAL CITY, COUNTY, OR TOWNSHIP.
6. SEE PROJECT SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS REGARDING THE MATERIALS TO BE USED AND THE PROCEDURES TO BE OBSERVED IN THE INSTALLATION OF THE UTILITIES.
7. SEE SHEET C1 FOR STORM SEWER DRAINAGE, AND SHEET C3 FOR MISCELLANEOUS DETAILS RELATING TO THE PLACEMENT OF THE UTILITIES.
8. ALL EXISTING WATER SERVICES WILL NEED TO BE ABANDONED AT THE MAIN IN THE STREET. EXCAVATION WITHIN THE STREET WILL BE REQUIRED FOR EACH LOCATION.

SURFACING

1. SUBGRADES SHALL BE SCARIFIED AND/OR COMPACTED AS NECESSARY TO ATTAIN THE REQUIRED COMPACTION DESCRIBED IN THE PROJECT SPECIFICATIONS. COMPACTION TESTING SHALL BE PERFORMED BY AN INDEPENDENT TESTING FIRM.
2. GRAVEL BASE COURSES SHALL BE ROLLED AND COMPACTED. TEST ROLLING OF THE GRAVEL BASE SHALL BE OBSERVED BY A SOILS ENGINEER TO VERIFY STABILITY.
3. SEE SHEET C3 AND THE PROJECT SPECIFICATIONS FOR DETAILS REGARDING THE CONSTRUCTION OF PAVEMENTS, AND CURB AND GUTTER.
4. SEE ARCHITECT PLANS AND SPECIFICATIONS FOR INFORMATION REGARDING THE CONSTRUCTION OF CONCRETE SIDEWALK AND EXTERIOR SLABS.

UTILITY & PAVING PLAN

REVISED

PRELIMINARY
NOT FOR CONSTRUCTION

DUFFY ENGINEERING AND ASSOCIATES, INC.
ENGINEERS-ARCHITECTS
1424 2nd Street North
Rochester, MN 55909
Phone: (320) 258-8579
Fax: (320) 258-8881
Email: info@duffyeng.com

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Engineer.

12/01/03 28408
Date License No.

REVISIONS	DATE	BY	DESCRIPTION
1	12/01/03	JAC	FOR PERMITS

UTILITY & PAVING PLAN

COURTYARD BY MARRIOTT

ROCHESTER, MINNESOTA

Project No.: 03728
Date: 08/27/03
Drawn by: B.S.
Checked by: B.S.
C2 of 3

PROJECT: COURTYARD BY MARRIOTT 117 UNIT HOTEL, ROCHESTER, MINNESOTA. DRAWING: GUEST ROOMS, LEVELS 3-5. DATE: 05/21/03. DESIGNED BY: JCH. CHECKED BY: JCH. SCALE: 1/4" = 1'-0".

125'-4"

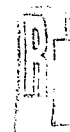
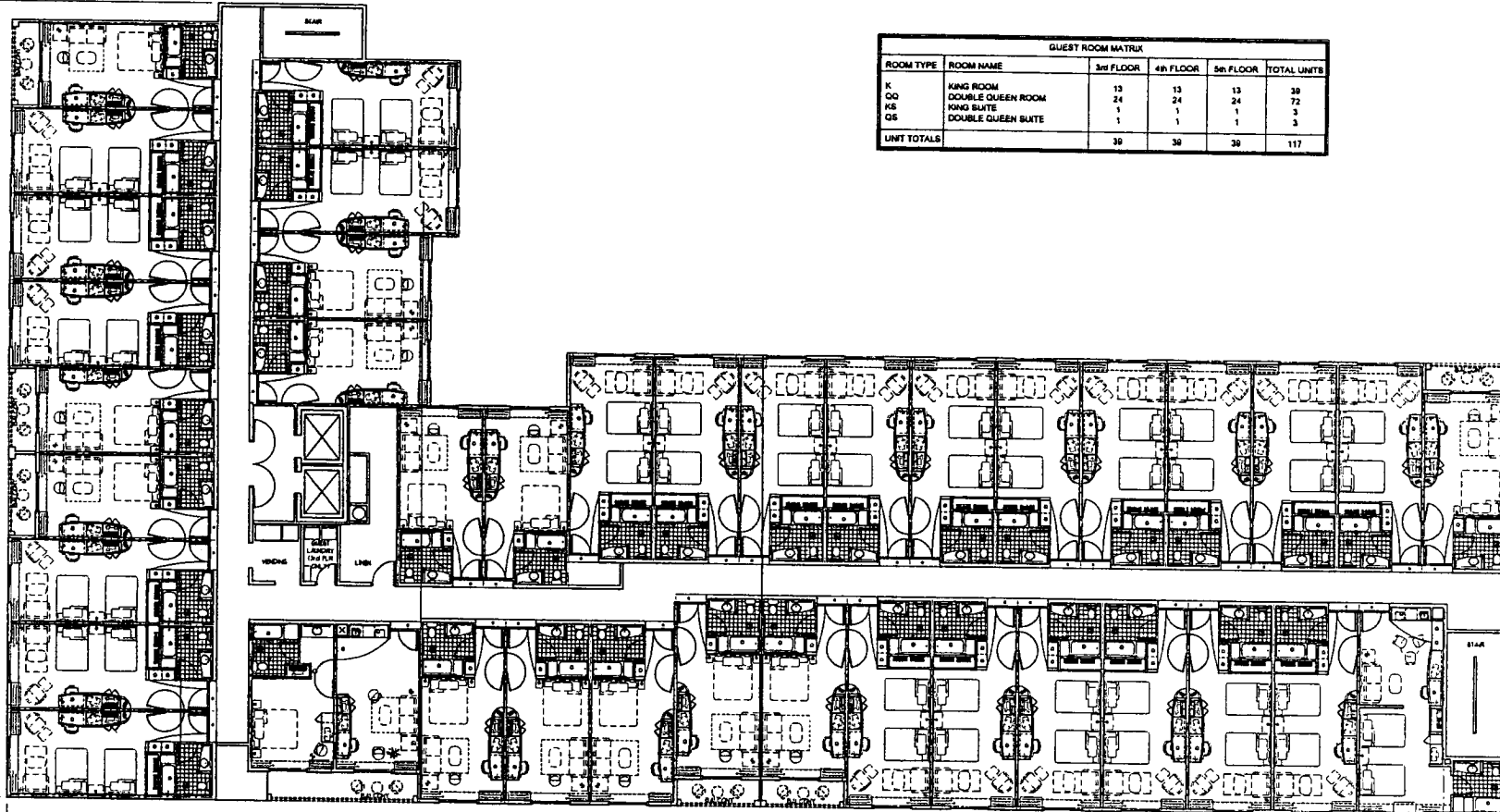
LEVELS 3-5
GUEST ROOMS

1/4" = 1'-0"



238'-0"

GUEST ROOM MATRIX				
ROOM TYPE	ROOM NAME	3rd FLOOR	4th FLOOR	5th FLOOR
K	KING ROOM	13	13	13
QO	DOUBLE QUEEN ROOM	24	24	24
KS	KING SUITE	1	1	1
QS	DOUBLE QUEEN SUITE	1	1	1
UNIT TOTALS		39	39	39



REC - 4 2003

PRELIMINARY
DRAWINGS
NOT FOR CONSTRUCTION
REVISED



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MINNESOTA.

JOHN D. WARNER

REG # 22850

DATE 05/21/03

REVISIONS

NO. DATE

A4

4 OF 8 SHEETS

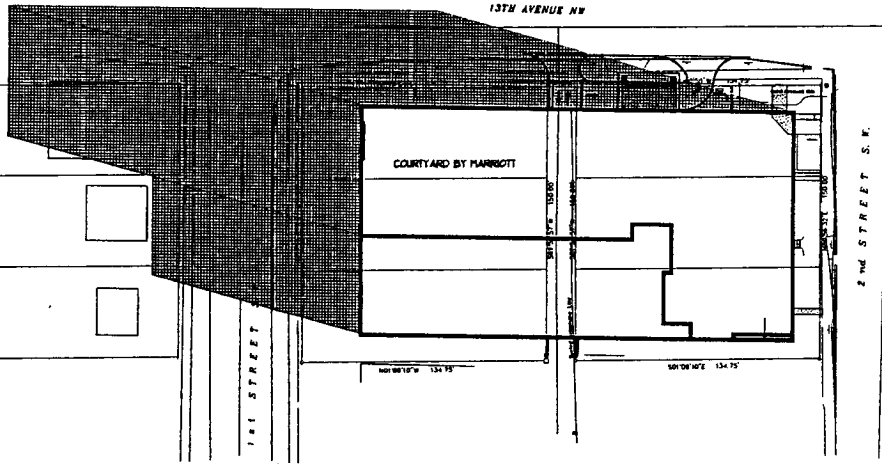
83



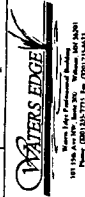
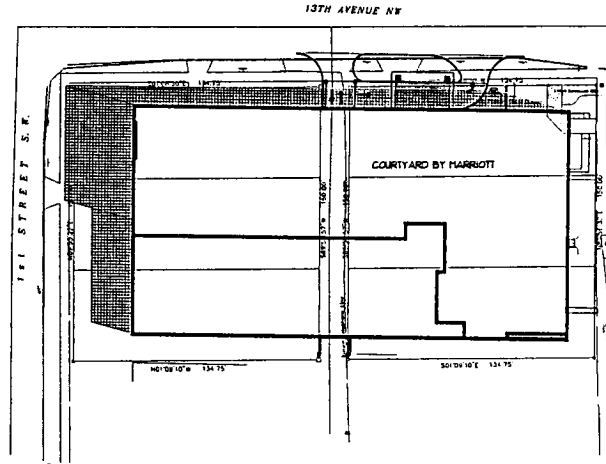
OF 8 JULY



**SHADOW PROJECTION
ROCHESTER, MINNESOTA
DECEMBER 21, 1:00 PM
(WINTER SOLSTICE)**



**SHADOW PROJECTION
ROCHESTER, MINNESOTA
JUNE 21, 1:00 PM
(SUMMER SOLSTICE)**



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

MINNESOTA

JOHN D. HARNER

NO. 27850

DATE: 01/02/03

REVISIONS

NO.	ITEM	DATE

DEC - 4

PRELIMINARY
DRAWINGS
NOT FOR CONSTRUCTION

REVISED

COURTYARD BY MARRIOTT
117 UNIT HOTEL
ROCHESTER, MINNESOTA

PROJECT

NO. 01012

DESIGNED BY JTH

CHECKED BY JTH

© 2003 WATERS EDGE ARCHITECTURAL GROUP, INC.

CONSENTS

Project Name

Project Address

Project City

Project State

Project Zip

Project Phone

Project Fax

Project Email

Project Website

Project Notes

Project Comments

Project Description

Project Scope

Project Budget

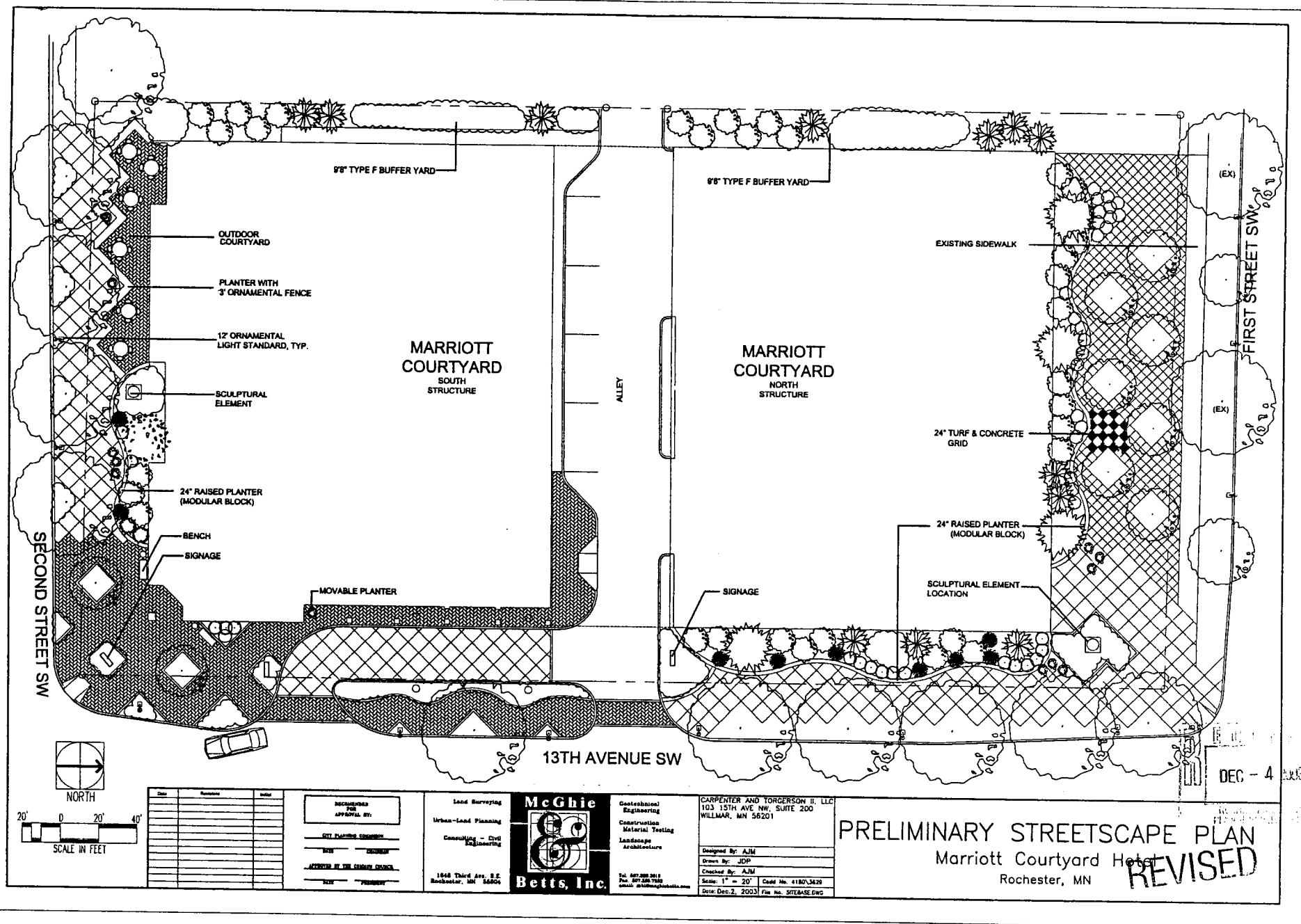
Project Schedule

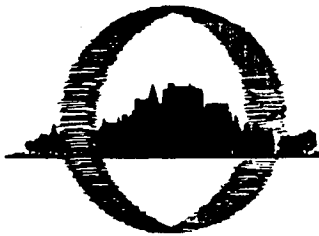
Project Risks

Project Opportunities

Project Challenges

87





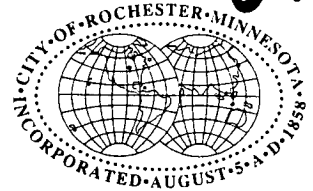
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



Memorandum

TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 5, 2003

RE: Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 and Variance #03-21 by Carpenter & Torgerson II, LLC. The applicant is proposing to develop a 120 room, 5-story hotel at the corner of 2nd St. SW and 13th Ave. SW. The total floor area ratio is 1.79 and provides 122 parking spaces and proposes to construct over the alley. The applicant is also requesting a variance to the height regulations and is requesting a maximum height of 87 feet. The property is located along the north side of 2nd St. SW, along the west side of 13th Ave. SW and along the south side of 1st St. SW.

The applicant's consultant submitted revised plans on December 3, 2003. The revised plans are a result of meeting with the Kutzky Park Neighborhood Association. The purpose of this memo is to list the changes made to the application.

	<u>Original Proposal</u>	<u>Revised Proposal</u>
Name of Hotel	Hampton Inn	Courtyard by Marriott
Number Rooms	120	117
Setback along 2 nd St.	30'	15'
Setback along 1 st St.	15'	30'
Loading Area in Alley	none	loading on south side
2 nd Floor Parking (west side)	no roof	roof over
Parking Spaces	125	122
Building Height	80'	87'
1 st Floor Space	space for retail	space for a restaurant
Wall Signage	(3) 140 sq.ft.	(3) 142 sq. ft.

The building elevations show that the first level of the building would consist of architectural precast concrete wall panels; the second story consisting mostly of brick but does have some architectural precast concrete wall panels; the third and fourth story consist of brick and stucco while the fourth story is mostly stucco there is some brick. The applicant has added balconies to some of the rooms (7 balconies per floor).

In working with the Kutzky Park Neighborhood Association the applicant has development a landscaping and streetscape plan. By moving the building 15 feet to the





south, the applicant has created a 30 foot wide landscape area along 1st Street SW consisting of raised planters, 24" turf and concrete grid, plantings and a sculpture. In addition to plantings along 2nd Street SW there is a 15 foot wide outdoor courtyard, with benches, raised planters, tables and a sculpture. Prior to the final approval, a detailed landscaping plan will need to be provided which list the plant species. This would mean that if the applicant is asking the City Council to waive the final plan review, this detailed landscaping and streetscape plan would need to be submitted prior to the City Council meeting.

Also with the submittal of revised plans, the applicant is requesting variances to signage and the setback to 2nd Street SW. These variances were not published for the CPZC meeting so if the CPZC moves this proposal forward it would need to be conditioned on the applicant receiving approval of the variances by the City Council. The applicant will need to make a formal variance request.

Restrictive Development

The Restricted Development provisions of the Zoning Ordinance and Land Development Manual (Section 62.700) recognize that certain land uses which are generally not allowed within a given zoning district can, if regulated, "serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standards zoning regulations". *The proposed hotel on the lots zoned R-3 needs to be considered through the Restrictive Development process since transient accommodations are not permitted in the R-3 zoning district.* This application requires a two-step review process, consisting of a preliminary plan and a final plan. The preliminary plan phase follows the Type III, Phase II, procedure with a hearing before the Planning Commission and a hearing before the Council.

Criteria & Findings:

The criteria to be considered when reviewing a Restrictive Development are listed in Paragraph 62.708 (1), which is attached for your review. This section considers the suitability of the area and the site design. The preliminary plan may be approved if it is found that the development has addressed and satisfied all of the criteria, or that a practical solution consistent with the public interest can be incorporated into the design. Staff suggests the following findings:

- (A) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development. The owner will be responsible for all cost associated with any relocation of utilities for this development. If additional on-site fire hydrants are required, the applicant will need to enter into a City-Owner contract for the installation of the public water main and the water main must be located within a 20' minimum public utility easement.
- (B) **Geologic Hazards:** There are no known geologic hazards upon the site under consideration for this development.
- (C) **Natural Features:** The proposed development, to the extent practical, will utilize the existing topography and natural features of the site.
- (D) **Residential Traffic Impact:**

- a) The traffic being generated from the proposed use can be handled on the existing street system and should not cause capacity of adjacent street to be exceeded. The site plan, as presently designed, accommodates the traffic generated by the use to use 13th Avenue. Access into the parking area will be off of the alley.
 - b) This proposal will not generate frequent truck traffic on local residential streets. Deliveries to the hotel will be accommodated within the alley.
 - c) This development should not create additional traffic during evening and nighttime hours on local residential streets.
- (E) **Traffic Generation Impact:** The anticipated traffic generated by the development should not cause the capacity of the adjacent streets to be exceeded. The current site plan provides for the only access to the parking area is from the alley. There will be no access permitted to 1st St. SW or 2nd St. SW.
- (E) **Height Impacts:** The proposed hotel will exceed the height limits in the B-1 and R-3 district. The allowed height is 30 feet; the proposed structure would have a maximum height of 87 feet. The average height of the building is 70'. This height is similar to the recently constructed Staybridge hotel to the east. The applicant has submitted a shadow study for the project. The results of the shadow study indicate the shadow affects from the project will be within the acceptable limits.
- (F) **Setbacks:** The building setback for the canopy will require a revocable permit from the City. The building setback along 1st St. SW is similar of that of the recently constructed Staybridge hotel to the east. A variance for the setback along 2nd street will need to be granted to allow the proposed setback.
- (G) **Internal Site Design:** The proposed development indicates adequate orientation of the building to street frontages. The vehicle traffic will use the alley to access the parking ramp area proposed.
- (H) **Screening and Buffering:** The site plan does indicate plantings around the perimeter of the building. A heavier bufferyard is provided along the west property boundary to buffer the adjacent residential uses. The landscaping and streetscape plan provides abundance of landscaping for the development and will provide park like setting along 1st Street SW for the residents of the Kutzky Park neighborhood.
- (I) **Ordinance Requirements:** There are portions of the ordinance requirements that the proposed development does not meet. These relate to building height. This issue will be addressed as part of the review process for the requested variance. The signage proposed for the building exceeds what is permitted in the B-1 zoning district. The applicant will need to request a variance. If a variance is not granted the signage will need to be modified to comply with the B-1 zoning district standards. The setback along street will need a variance. If a variance is not granted the building will need to be

92

moved to comply with the setback requirement. The freestanding sign and auxiliary signage will need to be moved out of the traffic visibility zones.

- (J) **General Compatibility:** The proposed development would constitute a substantial addition to the block but would not significantly change the character of the surrounding area since this general area trends to accommodate the needs of the Saint Mary's Hospital patients and visitors. The proposal will remove a number of older buildings to accommodate this re-development of the site. This should result in improvements to the block and neighborhood once the new facility is built.

Incentive Development:

The Incentive Development provisions of the Land Development Manual allow for a higher intensity development when certain actions are taken by the landowner to make the development more attractive and publicly acceptable. These actions may include additional open space amenities, traffic and pedestrian amenities and/or design features. The Incentive Development approval procedure is a two step process consisting of a preliminary plan and a final development plan. The preliminary plan is reviewed under a Type III, Phase II, procedure with a public hearing before the Planning Commission and a public hearing before the Council. The final plan is reviewed under the Type III, Phase III, procedures

The criteria to be considered when reviewing an Incentive Development are listed in Paragraph 62.630 (1), which is attached for your review. This section looks at both the suitability of the area and the site design. The preliminary plan may be approved if it is found that the development has addressed and satisfied all of the criteria, or that a practical solution consistent with the public interest can be incorporated into the design.

The development is proposing an increase in density of floor area. The allowed floor area ratio is .50. The applicant is requesting a floor area ratio of 1.79, which requires that the proposal be reviewed through the Incentive Development process.

Density bonuses are granted in exchange for the incorporation of features determined to be of public benefit. Features to be considered are listed in Paragraphs 62.651-62.659 of the Ordinance. The sections applicable to this project are attached for your information.

Density Bonuses:

Section 62.654 Low Intensity Commercial Development:

- 1) *The proposed site development exceeds the number of required parking spaces for a transient accommodation use in the B-1 zoning district.*
- 2) The off-street areas for freight unloading, deliveries, refuse pickup and other services are oriented away from the adjacent residential areas and will be screened from such areas. All deliveries will occur in the alley, which will basically be like a "tunnel" so the activity will be screen from the view of the adjacent properties.

Section 62.658 All Development

4) Street Improvements: As part of this development the applicant will be responsible for the replacement of the alley with concrete.

5) Utility Service: As part of this development the applicant will be responsible for all cost associated with utility relocation and will be required to place the current above ground utilities underground at their expense.

6) Integrated Planning: The proposal will redevelopment area currently occupied with old structures currently being used as transient lodging and rental housing. The site (40,417 sq. ft.) is not quite one acre in size.

7) Increased Landscape Area: The total landscape area of the site is 33.5%. The landscape area requirement in the B-1 zoning district is only 12%.

Criteria & Findings:

The criteria to be considered when reviewing an Incentive Development are listed in Paragraph 62.630 (1), which is attached for your review. This section considers the suitability of the area and the site design. The preliminary plan may be approved if it is found that the development has addressed and satisfied all of the criteria, or that a practical solution consistent with the public interest can be incorporated into the design. Staff suggests the following findings:

1) Preliminary Development Plan Criteria:

(A) Capacity of Public Facilities: The existing or future planned utilities in the area are adequate to serve the proposed development. The owner will be responsible for all cost associated with any relocation of utilities for this development. If additional on-site fire hydrants are required, the applicant will need to enter into a City-Owner contract for the installation of the public water main and the water main must be located within a 20' minimum public utility easement.

(B) Geologic Hazards: There are no known geologic hazards upon the site under consideration for this development.

(C) Natural Features: The proposed development, to the extent practical, will utilize the existing topography and natural features of the site.

(D) Traffic Generation Impact: The traffic being generated from the proposed use can be handled on the existing street system and should not cause capacity of adjacent street to be exceeded. The site plan, as presently designed, accommodates the traffic generated by the use to use 13th Avenue. Access into the parking area will be off of the alley. The anticipated traffic generated by the development should not cause the capacity of the adjacent streets to be exceeded. The current site plan provides for the only access to the parking area is from the alley. There will be no access permitted to 1st St. SW or 2nd St. SW.

(E) Height Impacts: The proposed hotel will exceed the height limits in the B-1 and R-3 district. The allowed height is 30 feet; the proposed structure would have a maximum height of 87 feet. The average height of the building is 70'. This height is

94

similar to the recently constructed Staybridge hotel to the east. The applicant has submitted a shadow study for the project. The results of the shadow study indicate the shadow affects from the project will be within the acceptable limits.

(F) **Setbacks:** The building setback for the canopy will require a revocable permit from the City. The building setback along 1st St. SW is similar to that of the recently constructed Staybridge hotel to the east.

(G) **Internal Site Design:** The proposed development indicates adequate orientation of the building to street frontages. The vehicle traffic will use the alley to access the parking ramp area proposed.

(H) **Screening and Buffering:** The site plan does indicate plantings around the perimeter of the building. A heavier bufferyard is provided along the west property boundary to buffer the adjacent residential uses. The landscaping and streetscape plan provides abundance of landscaping for the development and will provide park like setting along 1st Street SW for the residents of the Kutzky Park neighborhood. The narrative report submitted with the application indicates that 33.5% of the site will be landscape area. The minimum landscape area in the B-1 district is 12%.

(H) **Ordinance Requirements:** There are portions of the ordinance requirements that the proposed development does not meet. These relate to building height. This issue will be addressed as part of the review process for the request variance. The signage proposed for the building exceeds what is permitted in the B-1 zoning district. The applicant will need to request a variance. If a variance is not granted the signage will need to be modified to comply with the B-1 zoning district standards. The setback along setback will need a variance. If a variance is not granted the building will need to be moved to comply with the setback requirement. The freestanding sign and auxiliary signage will need to be moved out of the traffic visibility zones.

Variance:

The maximum permitted building height is 30 feet. The applicant is requesting a variance to the height standard. The maximum height of the proposal is 87 feet with an average height of 70'.

- 1) **A variance of fifty (57) feet to the maximum height of a building 30 feet to allow the maximum height of the building to be 87 feet.**

Section 60.417 (attached) establishes the guidelines for a variance. In this case the staff suggests the following findings:

EXTRAORDINARY CONDITIONS:

There would appear to be extraordinary circumstance or conditions that would apply to this property that would not apply generally to other properties in the area. This general area is an older neighborhood with many small lots and a high density of

95

development. Other hotel developments have been granted variances as part of related development reviews in this vicinity.

REASONABLE USE:

The granting of this variance may be necessary to permit a reasonable use of the property. This is an older commercial/residential area that redevelopment of the properties will be difficult and unlikely to occur in the future with variances to ordinance requirements. Reasons for this may include the difficulty in assembling enough property to do a redevelopment project do to the high cost of acquiring property. In order to develop the proposed use, the variance would be needed. Other developments have constructed buildings with a similar height in the surrounding area with residential uses across the street.

ABSENCE OF DETRIMENTAL:

The granting of this variance request will not be materially detrimental to the public welfare or to other property in the area if proper landscaping and screening is provided. The majority of the bulk of the building is along 2nd Street SW, which faces St. Mary's Hospital and 13th Avenue SW, which is development with commercial uses. The highest portion of the building along 1st St. SW is mostly across the from a 4 story apartment building. Two other hotels have been approved within 2 blocks of this site and both of these buildings exceeded the permitted height standard. The design of the proposal is similar to the recently constructed hotel 1 block to the east (having a 2 level parking area on a portion of the site and a 5 story building on the other portion of site adjacent to 1st St. SW).

MINIMUM VARIANCE:

The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to building height to allow a maximum height of 87 feet.

Staff Recommendation:

Variance: The planning Commission will need to consider the Variance request to the height of the building and determine whether the variance should be approved or denied, as part of this application. The Commission makes the decision on the Variance and adopts findings. The City Council will only hear the Variance request if the Commission's decision is appealed to the Council.

Restrictive and Incentive Development: The Commission will need to make a recommendation to the City Council regarding this application.

Staff recommends the following modifications or conditions if the Commission recommends approval the application:

1. The Final Development Plan application shall include:

- Building elevations that identify building materials and colors;

- 96
- A landscaping/streetscape plan that identifies the planting species;
 - A revised signage plan that meets the signage requirements for transient accommodations in the B-1 zoning district, unless a variance is granted.
2. An approved grading/drainage plan is required prior to construction. Storm water management must be provided and a fee will be applicable to all new areas of impervious surface associates with the redevelopment of this property.
 3. The condition of the existing pedestrian facilities along the frontages of the property will be reviewed by Public Works staff and any needed repair work or panel replacement work shall be done by the developer at it's own expense, concurrent with redevelopment of the site.
 4. All existing driveway curb-cuts that are not intended to be used for the development shall be removed and replaced with curb, gutter and boulevard at the owner's expense.
 5. The signs identified as auxiliary signs and freestanding sign at the corner of 2nd Street SW and 13th Ave. SW shall be moved out of the traffic visibility zones.
 6. The alley and driveways shall be constructed to City design standards. The alley shall be a minimum of 20 feet in width of concrete from 13th Ave. SW to the west property line.
 7. The applicant shall dedicate controlled access along the entire frontage of 2nd Street SW.
 8. The approval of this development is contingent upon the applicant receiving a Revocable Permit from the City for the construction of and proposed structures within the airspace over the existing alley and the canopy along 13th Avenue SW.
 9. The developer is responsible for all the cost associates with utility relocation to accommodate this development. All existing water services stubbed to the property must be abandoned properly at the main in the street, prior to any building excavation, per the requirements of the RPU Water Division.
 10. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping/streetscape will occur from the plans approved by the City Council.
 11. If a variance is not granted for the setback along 2nd Street SW and site shall be redesigned to meet the setback requirements along 2nd Street SW



97

December 2, 2003

Mr. Brent Svenby
Rochester – Olmsted Planning Department
2122 Campus Drive SE, Suite 100
Rochester, MN 55904-4744

Re: Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan # 03-50 and
Variance #03-21 by Carpenter & Torgerson II, LLC.

Dear Brent:

As you know we have been working with the Kutsy Park Neighborhood Association to amend the design of the proposed project to better fit the needs of the community. Through the course of these meetings the project has undergone significant evolution. Although the re-design is basically complete we are still in the process of final coordination between Civil, Landscape, and Architectural drawings and are still in the process of transferring the building elevation designs to CADD. We anticipate all of this work to be completed by tomorrow evening at which time we will be able to print all of the sets that you need to mail in your planning commission packets on December 4th.

In order to permit you to prepare your staff report, please accept this 90% complete submittal. The following information is not included with these documents but will be completed by tomorrow evening.

- CADD drawings of all building elevations (the freehand design drawings are included for your reference)
- Final coordination between the architectural site plan and civil plans to incorporate the landscape design elements.

The remainder of the information is complete and contained within the drawings and the narratives.

Respectfully,
Waters Edge Architectural Group, Inc.

A handwritten signature in black ink, appearing to read 'J. D. Hafner', is written over the printed name.

John D. Hafner, AIA
President

CC: Tom Torgerson



Courtyard by Marriott
Rochester Minnesota

Narrative for Proposed Development

Revised 12/1/03 for consideration at the 12/10/03 Planning Commission Meeting

General Description

The developer is proposing to construct a new 117 guest room Courtyard by Marriott hotel at the corner of 2nd Street SW and 13th Avenue SW. The building will be a total of five stories in height. The first two levels will be precast concrete construction and the top three levels will be wood frame construction. The functions on level one will consist of the hotel lobby and support functions, a hotel restaurant and lounge, service vehicle loading, and parking. The restaurant space on the ground floor will provide service to hotel guests as well as the general public. Level two will be used entirely for parking with some space for elevators, stairs, mechanical, and storage. Levels three through five will be used entirely for guest rooms and some minimal support space.

This development will replace several existing old structures that are currently being used as transient lodging and rental housing. The new development will provide a much cleaner visual landscape by removing the clutter of the overhead utilities, and scattered appearance of the existing structures. The design solution is a relatively urban solution that seeks to find the highest and best use for the property by increasing density within allowable guidelines, maximizing off street parking, and minimizing impact to traffic on 1st street and 13th Ave. In addition, the design will provide a comfortable pedestrian scale along 2nd street by utilizing outdoor seating and landscaping. The facades of the parking ramp portion of the building are designed minimize the typical parking ramp appearance through the use of finishes matching brick, stone and stucco. The finishes will tie the parking and non -parking portions of the building together to form a cohesive building composition.

Site

The site for the development consists of six individual lots, three along Second Street, and three along 1st street. There is an existing alley that separates the north lots from the south lots. The developer is proposing to leave the alley in tact and construct the building such that the ground floor is in two parts with the alley between and the second through fifth levels are constructed over the top of the alley. The "alley tunnel" that will be created by the building will have sufficient width and height to permit all current uses to remain unchanged. All existing underground utilities will remain in place in the alley right of way. Above ground utilities that currently run through the alley will be placed below ground as part of this project. The alley will also function as the entry point for the parking ramp and all delivery activities in order to minimize traffic impact along 1st Street and 13th Ave.

Parking / Loading / Deliveries / Waste Removal

The parking ramp will provide a total of 122 parking stalls. Five of these stalls on the ground level will be designated as 15 minute registration stalls due to the limited space available for vehicles to park in the entry drive area. In addition, a loading zone has been established along the south side of the alley to accommodate all hotel delivery activities and temporary large vehicle parking. This area will be completely screened by the parking structure on the north and the hotel public space on the south. The entry drive is designed as a one way drop off loop from which vehicles can return to the parking ramp via 13th Avenue.

Streetscape / Landscape

A pedestrian streetscape will be developed along 2nd St. continuing around the corner of 13th Ave. to the alley. The streetscape will be generally accessible to the public with the exception of a controlled access outdoor dining area to service the restaurant. The 30' building setback area along 1st St. will be developed into a landscaped park like setting. This will provide a visual buffer to the hotel and parking structure and will also be accessible to the public for general use and enjoyment.

Site and Building Lighting

Since the majority of the site is covered by building the building will become the primary site lighting element. Decorative down lighting will be mounted on the building walls along 2nd St. and 13th Ave. to illuminate the streetscape. Decorative down lighting of a lower intensity will be mounted on the building walls along First Street to illuminate the exit door as required by code as well as the landscape / streetscape. Wall mounted lighting along the west property line will be located to illuminate the sidewalk on the south part of the site and will be shielded to prevent glare for the neighboring properties. All of this perimeter down lighting will be mounted at roughly the second floor line elevation above grade. Landscaping elements will also be illuminated with low voltage landscape lighting to provide an appearance of sparkle at the pedestrian level.

The building itself will be illuminated by up lighting mounted roughly at the third floor line. This lighting will be located along 13th Ave., 2nd St., and the south ½ of the west building elevation. Lower intensity up lighting will be mounted on the roof of the parking ramp to subtly illuminate the west and north facades of the guest room tower. The light sources will be shielded to prevent glare to the surrounding properties.

Signs

There are a total of 8 signs proposed with this project as identified below. Note that the permitted area indicated in the table below shows the permitted area of two sided signs where the faces are back to back as indicated in section 63.223 of the zoning ordinance.

	AREA PERMITTED	AREA PROPOSED
FREE STANDING SIGNS		
• None (50 SF would be permitted per side back to back)	100 SF	0 SF
WALL SIGNS		
• 3 Courtyard / Marriott signs @ 142 SF ea	50 SF	426 SF
PROJECTING SIGNS		
• 2 two sided Restaurant identification signs @ 16 SF / side back to back	64 SF	64 SF
AUXILLIARY SIGNS		
• 3 two sided monument style directional signs @ 10 SF / side back to back	50 SF	60 SF

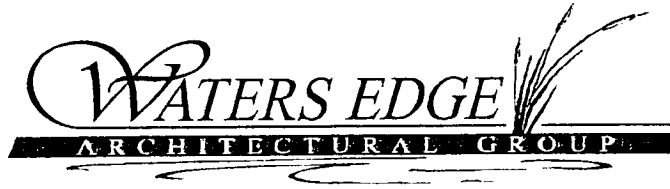
Summary of Project Data

Site Area:	40,417 SF
Building Footprint:	25,545 SF
Building Floor Area	72,730 SF (Excluding Parking)
Area of Enclosed Parking	42,405 SF
Floor Area Ratio	1.79
No. of Guest Rooms	117
No. of Stories	5
Height	82'-0" (at cornice of corner tower) 92'-0" (at peak of hip roof on tower) 70'-0" (average roof height above grade for remainder of building)
Off Street Parking	122 stalls provided
Off Street Deliveries	Delivery / Loading area provided south side of alley in ramp
Current Zoning	R3 (lots 1, 2, 3 - along 1 st street) B1 (lots 22, 23, 24 – along 2 nd street)
Proposed Zoning Changes	none

Summary of Requests to be Considered

The developer is requesting a site planning permit for the development including the following elements

- **The development is being viewed as an incentive development including the B1 lots along 2nd Street and the R3 lots along 1st Street.**
- **Approval for restricted development is needed for the portion of the hotel use that is located on the R3 parcels.**
- **Although no setback is required along the westerly property line, a 10' bufferyard is required because the development is adjacent to residential property. The developer is proposing to construct a 9'-8" bufferyard with heavier type 'F' planting density along the entire west property line. This is similar in nature to the solution that was approved for the Staybridge Suites project east of this development.**
- **Approval for a building height variance.**
- **Approval to construct over the alley right of way maintaining a minimum vertical clearance of 15'-6", and horizontal clearance of 30'-0" centered on the right of way.**
- **Approval for a variance to permit the signage as indicated on the drawings and in this narrative.**
- **Approval for a variance to permit a 15' setback along 2nd St. in lieu of 30'.**
- **Approval for a variance to construct the porte-cochere within the 13th Ave. right of way as indicated on the drawings.**



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**Courtyard by Marriott
Rochester Minnesota**

Incentive Development Features for Proposed Development

Revised 12/1/03 for consideration at the 12/10/03 Planning Commission Meeting

The maximum floor area ratio permitted in a B1 zoning district in the city of Rochester is 0.50 and can be increased up to a maximum of 2.0 as part of an incentive development. The developer for this project is requesting consideration for a structure that has a floor area ratio of 1.79 and is proposing the following features to be considered as incentives that will make this more intensive development acceptable.

1. Removal of non-code conforming unattractive menagerie of existing structures on the site.
2. Providing a fully enclosed parking ramp that accommodates off street parking, loading, and trash removal areas in excess of that required by the zoning ordinances and previous studies regarding parking needs. All parking and loading areas will be fully screened from view and all openings into the ramp will be designed to eliminate headlight glare. All ramp and delivery access will be via the alley.
3. The design eliminates vehicular access from both 1st St. and 2nd St.
4. The project will significantly increase tax base many times the existing level.
5. The existing alley will not be vacated as part of this project.
6. The existing alley surface will be replaced with a new concrete surface at the developers cost within the project boundaries without modifying the existing grading or drainage.
7. All of the overhead utilities that currently run through the alley right of way will be relocated to be underground as part of this development. In addition, the secondary services to the various properties that are currently overhead will no longer be needed and the new services for this structure will be underground. The net effect of these changes will be a dramatic reduction in visual clutter in the area.
8. The project will provide another high quality restaurant option for residents of the neighborhood.
9. New streetscape and landscape elements will be developed at the perimeter of the property. Along 2nd street and 13th Ave. the streetscape will give a pedestrian scale to the urban environment. Along 1st street the landscape and hardscape will function as a strong visual transition that will help reduce the mass of the building.
10. The use of the property as a hotel is one of the lowest traffic generation uses for the commercial area.

11. The project replaces lodging units that were taken out of service as part of the HWY 52 / 2ND St. interchange reconstruction.
12. The developer has worked very closely with the Kutzky Park Neighborhood Association meeting with them 3 times since the project was last heard at planning commission. In the course of those meetings, numerous requests and concerns were raised by the group. The revised design incorporates and addresses as many of those requests and concerns as possible.
13. The building has been re-designed to be an incentive to the neighborhood. In the course of re-design, the developer elected to change from the Hampton Inn franchise to a Courtyard by Marriott primarily because Marriott offered more flexibility to accommodate the requests and concerns of the neighborhood association. The structure is purposely designed such that the predominant mass and height is located as far as possible from residential areas. All parking, loading, and waste removal activities are completely screened from view. No signs are located to face residential areas. The character of the lighting facing the neighborhood areas will be subtle and shielded to prevent glare to the residential properties.

CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

Restrictive Development

62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708(1), or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.

62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

I. **Preliminary Development Plan Criteria:**

- A. **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
- B. **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
- C. **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
- D. **Residential Traffic Impact:** When located in a residential area, the proposed development:
 - 1. Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2. Will not generate frequent truck traffic on local residential streets;
 - 3. Will not create additional traffic during evening and nighttime hours on local residential streets;
- E. **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
- F. **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

104

1. Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;
 2. Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
- G. **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- H. **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- I. **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- J. **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
- K. **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.

Incentive Development:

62.620 STANDARDS FOR APPROVAL, PRELIMINARY DEVELOPMENT PLAN:

The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.630 (1) or that a practical solution consistent with the public interest can be incorporated into the final development plans.

- 62.621 **Standards for Approval, Final Development Plan:** The Council shall approve or approve with conditions a final development plan if it finds that the development has satisfied all the criteria listed in Paragraph 62.630(2).

62.630 CRITERIA FOR INCENTIVE DEVELOPMENTS:

105

In determining whether to approve, approve with conditions, or deny an application, the Commission and Council shall be guided by the following criteria:

2) Preliminary Development Plan Criteria:

- a) **Suitability of the Area:** The Commission and Council shall find that the proposed site is suitable as the location for an Incentive Development based on consideration of the following factors:
 - 1) The proposed use is compatible with the existing land uses in the area or the pattern of zoning within 1,000 feet of the property boundaries.
 - 2) The natural characteristics of the site under consideration, including topography and soil characteristics, necessitate increased density to allow for economic development of the site.
- b) **Site Design Criteria:** The Commission and Council shall find that the preliminary development plan design is consistent with the following guidelines:
 - 1) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
 - 2) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., has been identified and the development of these areas has been taken into account or will be addressed in the final development plan.
 - 3) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
 - 4) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements or the need for improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
 - 5) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development in the following manner:
 - a) The structures will not deny adequate sunlight to surrounding properties;
 - b) The siting of the structures will not destroy views from the primary exposures of adjacent residential dwellings;
 - 6) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.



- 7) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- 8) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- 9) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.

62.640 BONUS DENSITY OR FLOOR AREA:

The amount of bonus density will be negotiated with the Commission and Council during the Type III review process. Density bonuses are granted in exchange for the incorporation of features determined to be of public benefit. The features to be considered are listed in Paragraphs 62.651 through 62.659. The features to be used can be chosen at the option of the applicant.

62.654 Low Intensity Commercial Development: The criteria listed in this paragraph will be considered in granting bonus floor area in the B-1 Districts:

- 1) The provision of off-street parking spaces in excess of that required by this ordinance when the development is located on a street classified as a collector or an arterial.
- 2) The provisions of off-street areas for freight unloading, deliveries, refuse pickup, and other services, provided such features are oriented away from adjacent residential areas or adequately screened from such areas.
- 3) The criteria listed in Paragraph 62.658.

62.658 All Development: The criteria in this paragraph may be considered for granting bonus density in all developments:

- 1) **Storm Water Management:** The developer provides on-site or off-site improvements to stormwater facilities that will minimize existing flooding, erosion or siltation problems resulting from obsolete or non-existing stormwater facilities up or downstream from the tract in question; or the developer provides improvements such as over-sized retention basins, channel improvements, or recharge facilities which reduce or eliminate existing flooding, erosion or siltation caused by urban development either up or downstream. The City Council shall determine that the

161

existing problems are sufficient to grant the bonus, based upon the recommendation of the City Engineer.

- 2) The development proposes to integrate the reuse of an existing structure which has been vacant for 24 consecutive months.
- 3) Easements consistent with the flood control project are provided, or other bank treatment or river beautification which will result in increased usage of the area along existing streams for walking, sitting, or other means of passive recreation are developed.
- 4) Street improvements normally provided by the City of Rochester are constructed, dedicated or paid for by the developer. Examples include the provision of right-of-way for arterial streets beyond that normally required to be dedicated, or the construction or payment for turn lanes, signal lights, increased pavement depths, etc.
- 5) **Utility Service:** The development of the site will lead to increased efficiency in the existing public utility delivery system or the more efficient use of already existing utilities. This means, a) that the necessary utilities already exist on the property to be served, or b) the development of the property will provide a necessary link or connection to complete the system or improve service.
- 6) **Integrated Planning:** The proposed development involves the integrated development of a site which is a minimum of one acre in size and located in an established district.
- 7) Each four (4) percent increase in the landscape area ratio above the minimum required shall be considered as meeting the criteria for bonus density/floor area or an increase in plant materials so as to exceed minimum requirements.
- 8) The proposed development minimizes access points by utilizing shared access points with adjacent developments, resulting in a reduction in the number of driveway openings on a collector or higher level street.
- 9) Parking lot landscaping for the purpose of screening residential areas and/or right-of-way areas from concentration of vehicles.

60.417 Findings for Variances: In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
 - a) there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - b) the variance is necessary to permit the reasonable use of the property involved; and

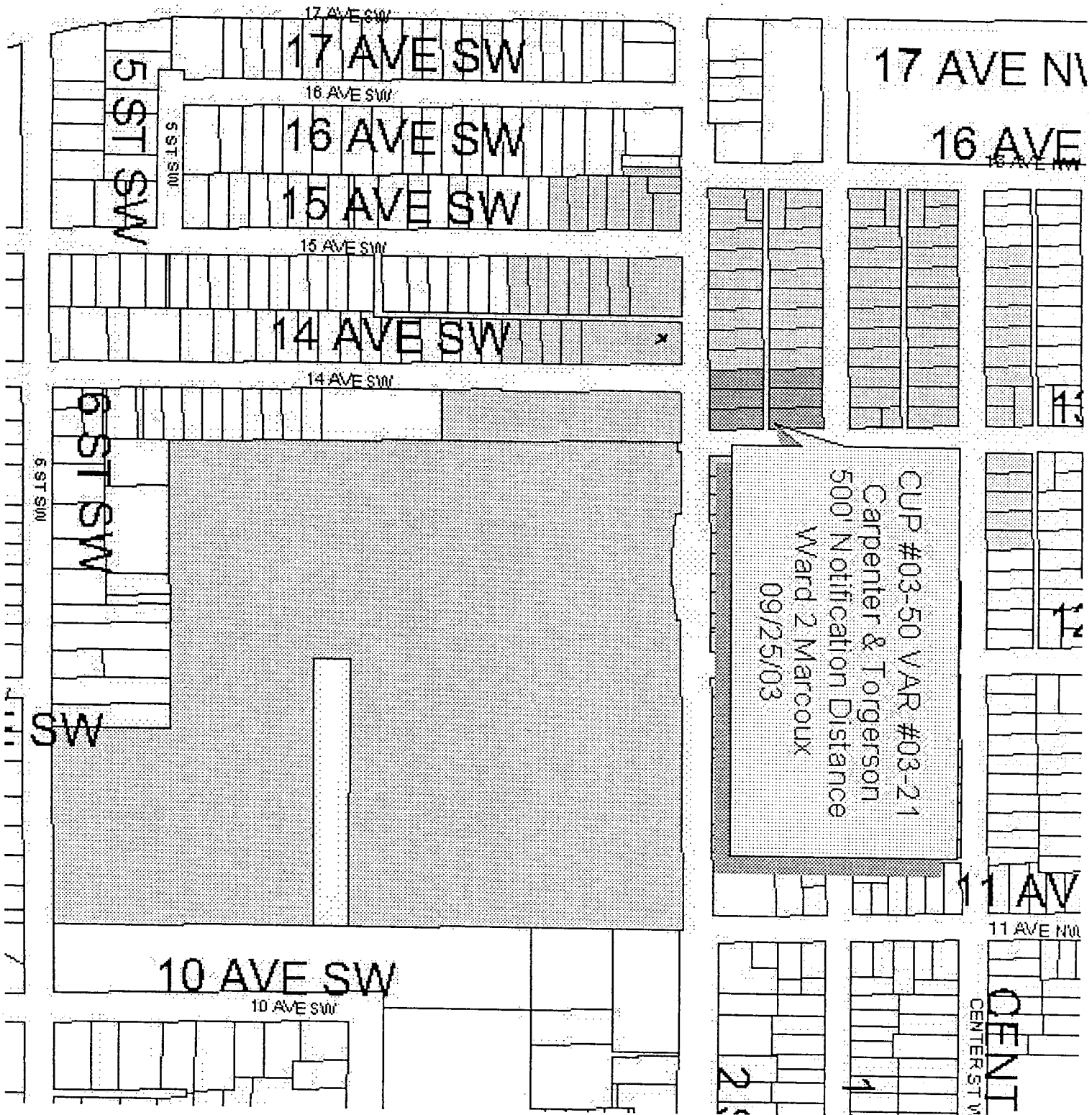
108

- c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
- d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

- 2) The Board may grant a variance to the literal provisions of this ordinance if it finds that:
 - a) there has been substantial and detrimental reliance in good faith by an applicant who has received a permit or certificate issued in error by the administrative official charged with enforcement of this ordinance, and
 - b) the mistaken issuance of the certificate or permit is not the result of an action on the part of the applicant, the property owner, or any other person or party who has had control of the property, to provide misleading or incorrect information, or to knowingly withhold information necessary for the administrative official to accurately review the permit or certificate request.
- 3) The Board shall under no circumstances grant a variance that will allow a use otherwise not permitted within the zoning district or any variance of the elevation or levels for flood protection.
- 4) In granting a variance, the zoning administrator or the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish, to the extent possible under the circumstances, the purposes of the regulations or provisions which are to be varied or modified and to reduce or minimize potentially injurious effects of the variance upon adjoining properties, the character of the neighborhood, and the health, safety, or general welfare of the community. A variance and any conditions and safeguards which were made a part of the terms under which the variance was granted are binding upon the applicant and any subsequent purchaser, heir, or assign of the property, and any violation of a variance or its conditions and safeguards shall be a violation of this ordinance and punishable as such.



169



ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 9/26/03

The Department of Public Works has reviewed the application for Incentive Development & Restricted Development Plan #03-50 & VAR#03-21 for the proposed Hampton Inn & Suite (13th Ave SW & 2nd St SW). The following are Public Works comments on this proposal:

1. Grading & Drainage Plan approval is required for this project, prior to development.
2. Storm water management must be provided and a Storm Water Management fee will be applicable to all new areas of impervious surface associated with the redevelopment of this Property.
3. The condition of existing pedestrian facilities along the frontages of this Property will be reviewed by Public Works staff and any needed repair work or panel replacement work shall be done by the development at it's own expense, concurrent with redevelopment of this site.
4. All existing driveway curb-cuts that are not intended to be used for this redevelopment shall be removed and replaced with curb, gutter & boulevard at the Owner's expense.
5. Approval of a Revocable Permit is required prior to construction of and proposed structures within the airspace over the existing alley right-of-way, or within any street right-of-way.
6. Execution of a City-Owner Contract will be require for the proposed alley concrete resurfacing, as well as, any public infrastructure relocation.
7. Dedication of Controlled Access is required along the entire frontage of 2nd St SW.
8. The alley and driveways shall be constructed to City design standards.
9. The alley shall be 20 ft wide concrete from 13th Ave to the west property line to accommodate the heavier two-way traffic to and from the ramp, and to facilitate continuation of the alley in the future for similar uses to the west..
10. The location of signage shall comply with Traffic Visibility Standards in LDM 63.500.

There are current assessments applicable to this Property for various projects including utility, street, & alley work. In addition to the current assessments, redevelopment of the Property is subject to the following development related charges:

- Sewer Availability Charge (SAC) @ \$1851.12 per acre
- Water Availability Charge @ \$1851.12 per acre
- Storm Water Management for any new impervious are – to be determined.



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September 18, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Type III, Phase II, Restricted Development and Incentive Development, Preliminary Plan #03-50 and Variance #03-21 by Carpenter & Torgerson II, LLC to develop a 120 room, 5 story hotel at the corner of 2nd St SW and 13th Ave SW and a variance to the height regulations and is requesting a maximum height of 80'.

Dear Ms. Garness:

Our review of the referenced Restricted Development Request is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. All the existing water services stubbed to this property must be abandoned properly at the main in the street as noted in this submittal, prior to any building excavation.
3. The 8" water service connection shown must be made with a tapping sleeve and valve "wet tap" per our requirements.
4. The Fire Prevention Bureau will need to comment on the location of the existing fire hydrants as they relate to protection of this building. If they require additional on-site fire hydrant(s) the following items need to be addressed:
 - a. Final water main construction plans with profiles would need to be prepared by a civil engineer, approved by us and conform to standard City of Rochester requirements.
 - b. Water mains connecting to and including any fire hydrant are considered public and need to be within a 20' minimum public utility easement.
 - c. The owner would be required to enter into a City Owner Contract with the City of Rochester for the installation of the public water main. Contact the Land Development Manager (507-281-6198) at the Public Works Department for details.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Carpenter & Torgerson II, LLC
Waters Edge Architectural Group

112



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: September 26, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 and Variance 03-21 by Carpenter & Trogerson II, LLC. The applicant is proposing to develop a 120 room, 5 story hotel at the corner of 2nd St SW and 13th Ave SW.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. One additional fire hydrant shall be added to near the alley to ensure an adequate number of hydrants are available for this project.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Fire Department Access Roads shall be maintained with an unobstructed width of 20 feet and clearance of 13 feet 6 inches.
3. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Waters Edge Architectural Group
Carpenter & Torgerson II, LLC



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113

DATE: September 23, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 and Variance #03-21 by Carpenter & Torgerson II, LLC. The applicant is proposing to develop a 120 room, 5 story hotel at the corner of 2nd St. SW and 13th Ave. SW. The total floor area ratio is 1.64 and provides 125 parking spaces and proposes to construct over the alley. The applicant is also requesting a variance to the height regulations and is requesting a maximum height of 80 feet. The property is located along the north side of 2nd St. SW, along the west side of 13th Ave. SW and along the south side of 1st St. SW.

RPU's Operations Division review of the above-referenced Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan and Variance is complete and our comments follow:

1. RPU has a 13.8 kV overhead power line located in this alley. The owner/ applicant will be responsible for all costs associated with any relocation of this line including any costs to maintain electrical service to the existing customers adjacent to this property.
2. Approved location and utility easements will need to be provided for the electrical facilities to serve this project.

Sincerely,

la

c. Carpenter & Torgerson II, LLC
Waters Edge Architectural Group

114

MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, December 10, 2003, at 6:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Robert Haeussinger; Mr. Paul Ohly; Mr. Ivahn Dockter; and Mr. James Burke

Members Absent: None

Staff Present: Ms. Mitzi A. Baker, Mr. Brent Svenby; Mr. Philip H. Wheeler; and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

Ms. Wiesner announced that the Commission would take a break at 8:30 p.m. and that the meeting could be recessed to December 17, 2003 at 7:00 p.m. at the same location, if there were agenda items left over after 11:00 p.m. She further asked that individuals not repeat what others have stated before them.

Ms. Wiesner stated that General Development Plan #114 and Special District #4 for Fox Knob would be continued to January 14, 2003. Also, Land Use Plan Amendment #03-07, Zoning District Amendment #03-24, and General Development Plan #221, by Mark Leitzen would be continued to January 14, 2003.

CONSENT AGENDA:

Mr. Haeussinger made a motion to approve the following consent items. Mr. Quinn seconded the motion.

- November 12, 2003 minutes
- Vacation Petition #03-09 by DLT Partners LLC to vacate right-of-way

The motion carried unanimously.

CONTINUED & TABLED ITEMS:

* **Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 and Variance #03-21 by Carpenter & Torgerson II, LLC. The applicant is proposing to develop a 120 room, 5 story hotel at the corner of 2nd St. SW and 13th Ave. SW. The total floor area ratio is 1.64 and provides 125 parking spaces and proposes to construct over the alley. The applicant is also requesting a variance to the height regulations and is requesting a maximum height of 80 feet. The property is located along the north side of 2nd St. SW, along the west side of 13th Ave. SW and along the south side of 1st St. SW.**

Mr. Brent Svenby presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that the applicant met with the Kutzky Park Neighborhood Association several times. The biggest change to the application is with regard to landscaping.

Mr. Svenby stated that the applicant plans to ask for two additional variances; one to signage and the other to the setback along 2nd Street SW. Since these items were not published to be heard before the Commission, the City Council will take action. He also indicated that the applicant will ask that the City Council waive the final plan. However, before the item goes before the City Council, the applicant will need to submit a more detailed landscaping plan and building exterior elevations to the Rochester-Olmsted Planning Department.

The applicant's representative, John Hafner of Willmar MN, addressed the Commission. He stated that they met with the neighborhood three different times. He pointed out changes to the architecture from the previous plan. He explained that they changed the franchise to The Courtyard by Marriott to permit more latitude in the exterior design. In general, the neighborhood association is pleased with the changes made. He stated that they shifted the building 15 feet to the south to permit additional landscaping. They will be maintaining more parking than required and they incorporated an off street loading area so that all deliveries to the building will be in the alley in the off-street loading area.

Ms. Wiesner asked if he agreed with the conditions.

Mr. Hafner responded yes.

Ms. Rivas asked if they intend to apply for a variance regarding signage.

Mr. Hafner responded they plan to request it from the City Council.

Mr. Haeussinger commended Mr. Hafner and the applicant for working with the neighborhood and with the new design.

Mr. Andy Masterpole, of McGhie and Betts, Inc., addressed the Commission. He stated that the project is a great example of how the applicant can work with a neighborhood. He commended the applicant.

Mr. Glenn Faith, Vice President of Kutzky Park Neighborhood Association, addressed the Commission. He stated that the new plan makes more sense with the neighborhood. He stated that the Commission should think of more proactive planning for the downtown residential area. More people have been displaced. He asked that the Community make proactive plans on how the downtown area should look in future years.

Ms. Wiesner suggested that Mr. Faith make these comments to the City Council.

Mr. Staver stated that he is part of the downtown development task force. He noted Mr. Faith's concerns and indicated that he would forward them.

Ms. Stephanie Kilen (821 First Street SW, Rochester MN 55902), President of the Kutzky Park Neighborhood Association, addressed the Commission. She stated that the applicant has set a standard in terms on how to work with neighborhoods. She stated that the neighborhood

association as a whole supports the project, as well as the requested variances to reduce the setback along 2nd Street SW.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to approve of Variance #03-21 by Carpenter & Torgerson II, LLC with the staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 9-0.

FINDINGS:

EXTRAORDINARY CONDITIONS:

There would appear to be extraordinary circumstance or conditions that would apply to this property that would not apply generally to other properties in the area. This general area is an older neighborhood with many small lots and a high density of development. Other hotel developments have been granted variances as part of related development reviews in this vicinity.

REASONABLE USE:

The granting of this variance may be necessary to permit a reasonable use of the property. This is an older commercial/residential area that redevelopment of the properties will be difficult and unlikely to occur in the future with variances to ordinance requirements. Reasons for this may include the difficulty in assembling enough property to do a redevelopment project do to the high cost of acquiring property. In order to develop the proposed use, the variance would be needed. Other developments have constructed buildings with a similar height in the surrounding area with residential uses across the street.

ABSENCE OF DETRIMENT:

The granting of this variance request will not be materially detrimental to the public welfare or to other property in the area if proper landscaping and screening is provided. The majority of the bulk of the building is along 2nd Street SW, which faces St. Mary's Hospital and 13th Avenue SW, which is development with commercial uses. The highest portion of the building along 1st St. SW is mostly across the from a 4 story apartment building. Two other hotels have been approved within 2 blocks of this site and both of these buildings exceeded the permitted height standard. The design of the proposal is similar to the recently constructed hotel 1 block to the east (having a 2 level parking area on a portion of the site and a 5 story building on the other portion of site adjacent to 1st St. SW).

MINIMUM VARIANCE:

The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to building height to allow a maximum height of 87 feet.

Mr. Haeussinger moved to recommend approval of Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 by Carpenter & Torgerson II, LLC with the staff-recommended findings and conditions. Mr. Dockter. The motion carried 9-0.

117

CONDITIONS:

1. The Final Development Plan application shall include:
 - Building elevations that identify building materials and colors;
 - A landscaping/streetscape plan that identifies the planting species;
 - A revised signage plan that meets the signage requirements for transient accommodations in the B-1 zoning district, unless a variance is granted.
2. An approved grading/drainage plan is required prior to construction. Storm water management must be provided and a fee will be applicable to all new areas of impervious surface associates with the redevelopment of this property.
3. The condition of the existing pedestrian facilities along the frontages of the property will be reviewed by Public Works staff and any needed repair work or panel replacement work shall be done by the developer at it's own expense, concurrent with redevelopment of the site.
4. All existing driveway curb-cuts that are not intended to be used for the development shall be removed and replaced with curb, gutter and boulevard at the owner's expense.
5. The signs identified as auxiliary signs and freestanding sign at the corner of 2nd Street SW and 13th Ave. SW shall be moved out of the traffic visibility zones.
6. The alley and driveways shall be constructed to City design standards. The alley shall be a minimum of 20 feet in width of concrete from 13th Ave. SW to the west property line.
7. The applicant shall dedicate controlled access along the entire frontage of 2nd Street SW.
8. The approval of this development is contingent upon the applicant receiving a Revocable Permit from the City for the construction of and proposed structures within the airspace over the existing alley and the canopy along 13th Avenue SW.
9. The developer is responsible for all the cost associates with utility relocation to accommodate this development. All existing water services stubbed to the property must be abandoned properly at the main in the street, prior to any building excavation, per the requirements of the RPU Water Division.
10. The applicant agrees that no deviation to the appearance of the building, design, exterior façade or landscaping/streetscape will occur from the plans approved by the City Council.
11. If a variance is not granted for the setback along 2nd Street SW and site shall be redesigned to meet the setback requirements along 2nd Street SW.

118

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-5-04

119-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: Zoning District Amendment #03-22, by COPAR Development, proposing to re-zone 94.14 acres of land from R-1 (Mixed Single Family) to the R-1X (Mixed Single Family Extra) district, and to develop the land with low density residential dwellings at densities ranging from 9 units/acre to 12 units/acre. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36 th ST. SW. A General Development Plan is being considered concurrent with this application.		PREPARED BY: Mitzi A. Baker, Senior Planner

December 18, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003, to consider this petition.

The Commission recommends approval to re-zone approximately 94.14 acres of land from R-1 to R-1X. The motion carried 7-2. Please see the attached minutes for additional details.

Planning Staff Recommendation:

See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. McGhie & Betts, Inc.
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday January 5, 2004 in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:

Seconded By:

Action:

Zone Change
Neighborhood Meeting
500' Notification Distance
Ward 1 Hansen
10/14/03

30 ST SW

WICKLOW

LN SW

CATES LN SW

VALLEYWOOD DR SW

OAKRIDGE DR SW

FREMONT CT SW

FELTON CT SW

THWY 52

33 ST SW

36 ST SW

37 ST SW

37 ST SW

WILLOW HTS DR SW

CIRCLE CT SW

SHADY
CURVE
WILLOW BEND

WILLOWRIDGE DR SW

CARLTON ST SW

ENTERPRISE DR SW

COMMERCE CT SW

THWY 63

40 ST SW

40 ST SW

WINDSOR CHASE DR SW

122

Zoning Exhibit

Tom Hansen Property



Land Surveying
Water-Land Planning
Grading Engineering
Civil Engineering
Geotechnical Engineering
Landscape Architecture
Construction Related
Testing

1440 Third Avenue S.E.
Rochester, MN 55904
Telephone 507.255.3553
Facsimile 507.255.7555

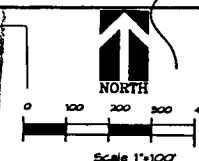
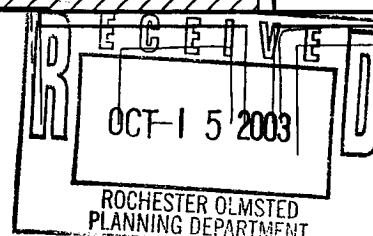
SOUTHTOWN
HEIGHTS REPL

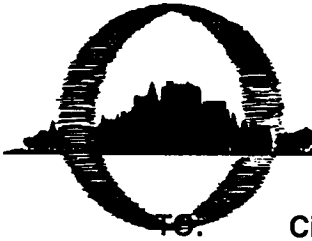
33 ST SW

Zone
R-1 to R-2

Future Frontage Road
for Highway 63

36 ST SW





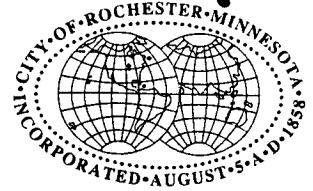
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: December 4, 2003

RE: Zoning District Amendment #03-22, by COPAR Development, proposing to re-zone 94.14 acres of land from R-1 (Mixed Single Family) to the R-2 (Low Density Residential) district, and to develop the land with low density residential dwellings at densities ranging from 9 units/acre to 12 units/acre. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36th ST. SW. A General Development Plan is being considered concurrent with this application.

Planning Department Review:

Petitioner: COPAR Development, LLC
406 Main Street
Red Wing, MN 55066

Property Owner: Rochester Properties
1224 W 96th Street
Bloomington, MN 55431

Mills Properties
PO Box 971
Brainerd, MN 56401

Consultant: McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Location of Property: The property is located west of TH 63 S, west of the Fleet Farm store, north of 36th St. SW and east of the Greystone development.

Requested Action: The applicant requests 94.14 acres be rezoned from R-1 (Mixed Single Family) to the R-2 (Low Density Residential) district.

Existing Land Use: The property is currently undeveloped.

Proposed Land Use: The applicant has also a General Development Plan that is being considered concurrent with this application. The proposed GDP identifies the property proposed to be zoned R-2 as being developed with densities ranging from 9 to 12 units/acre.

Adjacent Land Use and Zoning: East and Southeast: B-4 (General Commercial) and M-1 (Mixed Commercial – Industrial) including commercial and industrial uses. There is also undeveloped property to the east currently zoned R-1. This land is approximately 160' by 1,120'.



124

South: The property to the south is zoned M-1 and R-2 (Low Density Residential) and R-1 (Mixed Single Family Residential). The portion zoned M-1, approximately adjacent to the easterly 1/3 of the property, is developed as an industrial use. Willow Ridge Manufactured Homes Park is zoned R-2 and the single family homes along 36th St. SW are zoned R-1 (Mixed Single Family).

North: Southtown Heights Subdivision that is zoned R-1 and an undeveloped parcel proposed for future single family development.

West: The property to the west is zoned A-4 (Agricultural-Urban Expansion) in the County. Also the Greystone development is located to the northwest, which is, zoned R-1.

- Transportation Access:** Primary access to this property will be from the TH 63 west frontage road. Additional access is proposed at Willow Ridge Drive SW. A small portion of the site is proposed to be served by extending a private road north at 7th Ave. SW. The City is also recommending the extension of Enterprise Drive SW into the Site, which is currently not identified on the accompanying General Development Plan.
- Wetlands:** Hydric Soils and Wetlands exist within this property.
- Neighborhood Meeting:** A neighborhood meeting was held on October 28, 2003. A summary of the meeting is attached.
- Referral Comments:** See comments attached to staff report for GDP #219 Spring Brook Valley.
- Report Attachments:**
1. Location Map
 2. Area Zoning Map
 3. Neighborhood Meeting Summary
 4. See Comments Attached to GDP #219

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter

125

3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan;
or

- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Proposed R-2:

The area as presently zoned is not inconsistent with the policies and goals of the Comprehensive Plan and the property was not zoned erroneously due to a technical or administrative error.

The proposed zoning of the property to the R-2 (Low Density Residential) district is consistent with the land use plan designation of the property as "low density residential" and would serve to better further the policies and goals of the Comprehensive Plan and Housing Plan to encourage developing a range of densities and development styles in the Community.

Changes in this area include reconstruction of TH 52 and TH 63. Future removal of the signalized intersection of 36th St. SW and TH 63 and construction of interchanges at TH 63 and 40th St. S and 48th St. S.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Proposed R-2: Uses within the R-2 Zoning District would generally appropriate on the property and compatible with adjacent properties. At the time of development, bufferyards may be required in accordance with the Ordinance.

A Calcareous Fen has been delineated in the far northwest portion of the Site. Calcareous fens are the result of glacial deposits that permit a constant upwelling of alkaline groundwater rich in calcium and magnesium bicarbonates. Many rare plants are largely restricted to fens, which cover just over 1,000 acres statewide. A Calcareous Fen has been delineated in the northwest portion of the Site. Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen if not designed properly.

This property includes delineated Wetlands that a Calcareous Fen, a stream corridor, moderate and steep slopes, and Decorah Edge recharge areas. Grading plan and site plan design will need to incorporate natural features, protect Wetlands and reflect densities consistent with the Rochester Zoning Ordinance and Land Development Manual (LDM) regulations. Additionally, portions of this site include wooded hillsides. The applicant should be aware that Section 64.340 of the LDM could require re-vegetation or screening of slopes exposed by new development, primarily on the wooded slopes.

126

At the time of development, site capacity calculations will need to be completed, which will determine what the developable acreage is after subtracting certain environmental features.

Considering the sensitivity of this site and its natural landscape, and access, permitted densities in the R-1X district are more appropriate on this property, than the permitted densities in the R-2 district. Consider the following:

The R-1X (Mixed Single Family Extra) district accommodates townhome development and permits a density of up to 5.5 units/acre as a Type I (staff review only) use. Densities up to 15.0 units/acre can be proposed in the R-1X district, but some level of public review would be required when over 5.5 units/acre.

The R-2 (Low Density Residential) district permits up to 9.0 units/acre as a Type I (staff review only) use, and up to 21.78 units/acre through a public review or hearing process.

Increases above Type I density are achieved by inclusion of certain design features in the development plan which, by doing so, qualify the applicant to increase density. For example, bonus density can be granted for preservation of moderate and steep slopes, and woodlands and for incorporating natural drainageways into stormwater management.

Densities permitted in the R-2 district may not be appropriate for this property, considering its location, access and topography. Townhome style development is permitted in the R-1X district, at lower densities than allowed in the R-2 district.

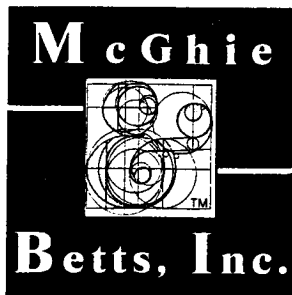
- b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

Proposed R-2: *The R-2 would not be considered spot zoning. R-1X also, would not be considered spot zoning.*

Staff Recommendation:

The ability to consider the Zone Change, Land Use Plan Amendment and General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff suggests that the request to rezone the petitioned area to R-2 (Low Density Residential) should be denied. Staff also recommends that the petitioned area should be re-zoned R-1X (Mixed Single Family Extra). The R-1X district allows for lower density thresholds for each review Type (Type I, II or III) and provides opportunities for a higher level of review of site plans, which would be appropriate for this complex and sensitive site.

Staff recommends that a decision on the zoning petition not occur until the issues identified in the General Development Plan review and considered.



127

MINUTES FROM THE
NEIGHBORHOOD INFORMATIONAL MEETING
ON OCTOBER 28, 2003
AT THE COUNTRY CLUB INN
Taken by Jeffrey Preuss

Rochester
Minnesota

In Attendance: See attached list.

Purpose: The purpose of the meeting was to introduce the proposed project to the neighborhood and to answer questions and document concerns or issues that may need further investigation.

General Discussion:

The key speaker was Andy Masterpole from McGhie & Betts, Inc. Tom Hanson from COPAR development was also in attendance. Mr. Masterpole began with a brief introduction about the site. He states that MBI has recently submitted a General Development Plan for approval. The proposal is to rezone the 94-acre parcel from R-1 to R-2. The commercial parcels (B-4) will remain the same. A public hearing at the Planning Commission will be held on November 12th. The City Council meeting will be held on December 1st. The access point will remain the same as stated from prior meetings. Minnesota Department of Transportation will care for a small parcel located in the far northeast corner of the site. The interior circulation will consist of two looping roads and an additional street connection to the south of the site. The southern access point will have an estimated capacity of 500 trips. The main access road will carry 3400 trips. All wetlands on the site are being preserved. An estimated 509 townhomes are proposed to be built on this site.

1. Boards:

- a. Aerial photo will property boundary overlays.
- b. Conceptual zoning and Wetland Preservation Plan.

Questions and Answers:

Q1: What, if any, buffer will be provided to landowners' adjacent to the property?

A1: The required buffer is estimated to be ten feet.

Q2: But the last developer was going to give us fifty feet?

A2: In order to make the project financially feasible, the buffer was reduced.

Q3: Has an EAW been started? Will one be done?

A3: An EAW has been started, although we are unable to turn it in until the proper time.

1648 Third Avenue S.E.
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e-mail. mbi@mcghiebetts.com

Established 1946



Q4: What is being done to preserve the Decorah Shale edge?

A4: There are currently no ordinances that require the developer to minimize development within the Decorah Edge. McGhie & Betts is well versed in environmentally friendly developments and plan appropriate engineering solutions that best deal with the extra water. As a result, the developer will absorb the additional cost of development.

Q5: When the city sewer line was being put in, the city workers started a natural spring that continues to erode part of the site. Are the soil types suitable for the intensity of development?

A5: Yes.

Q6: Will there be any neighborhood associations for the development?

A6: There will be 3 to 4 subassociations that work under one unified master association.

Q7: What guarantee do we have that you will not put in low-income housing?

A7: We are projecting that all building are owner occupied structures with selling values that range from \$140,000 to \$200,000. We cannot give you any other guarantees.

Q8: When will construction begin and how will that effect current traffic flow?

A8: Construction will begin as early as April 2004. Coordination between highway expansions and this development is being taken into consideration.

Q9: What are you doing to preserve the quality of life for the wildlife?

A9: Over thirty percent of the site will remain undeveloped. These areas are also adjacent to existing preserved areas. The preserved area may also be added to Minnesota Land Trust at a later date, although this is still subject to discussion.

Q10: Will parking from Section A spill over to the adjacent landowners' street?

A10: No. The city requires that parking considerations be dealt with on their own site.

Q11: How do I know you are going to save trees?

A11: Preserving the natural site amenities will increase the property values and decrease development costs. The developer is willing to work with the adjacent neighbors to preserve a buffer of existing trees.

Q12: What are you doing to curb the additional storm water runoff?

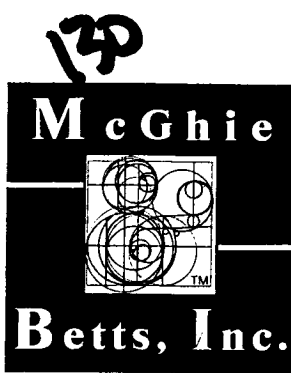


129

A12: We are using a series of smaller retention ponds placed in key points of the development. During construction, environmentally sensitive erosion prevention methods will be in place. (i.e. hay bales, wooden staking, etc).

Q13: Can we see an amended plan within one week?

A13: Yes.



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Established 1946

Attendance Roll

NEIGHBORHOOD INFORMATIONAL MEETING

PROJECT: Spring Brook Valley GDP
Rochester, Minnesota
DATE: October 27, 2003
TIME: 6:30 p.m.
PLACE: Country Inn & Suites
Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. Josh Ailts	306 33 rd St. SW	787-0165
2. Dan Campion	412 33 rd St SW	288 8601
3. LARRY SMITH	732 37 th St. SW	288-7958
4. Kathy Smith	732 37 th St. SW	288-7958
5. Alex Leontovich	913 36 th St. SW.	289-2452
6. Brenda Bartel	1031 SW 36 th St	2859173
7. Bruce Winter	707 36 th St SW	289-2572
8. Craig Jennifer Mann	715 36 th St SW.	280 9856
9. Olga Leontovich	913 36 th STREET SW	289-2452
10. John Kehler	600 SW 4 th St	280-0714
11. JEFFREY PRUSS	4863 Opd Ln	619-1111
12. Tom Hexorth	1000 Rocky Creek Dr. NE	254 2064
13. Dennis Hanson	Rochester City Council	281-3013
14. [Signature]	505 33 rd St. SW	280-1962

	NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
15.	Judy Halverson	727 36 th St. S.W.	507-529-1031
16.	Zach Klaus	504 33 rd St SW	282-9993
17.	Tim Daly	708 Southtown Hgts Ct	280-8577
18.	KAREN Edens	1121 36 th St SW	285-3179
19.	Jim Lynch	733-36 th St S.W.	2886961
20.	Sharon Flynn	401 33 rd St SW	281-4139
21.	Vine Flynn	401 - 33 rd St SW	281-4139
22.	Guy Johnson	621 36 th St SW	281-4033
23.	Denis Wegner	612- So. To. Hts. Dr. S.W.	288-4902
24.	Wendy Turri	603 33 rd St SW	285-0955
25.	Mike Quiggle	700 36 th St. SW	529-7950
26.	Mike-Jean Fenta	609 36 th ST. SW	252-5181
27.	DON STALEY	2435 ASPEN LA SW.	254-7777
28.	Doug L Bell	3217 Emerson Ave ⁵⁵⁴⁰⁸ MPIS	612-267-1145
29.	Sandy Sprung	817 36 th St SW	285-0591
30.	Debra Warren-Lore	304 33 rd St SW	289 8348
31.	Kara Friedt	500-33 St. S.W.	252-0361
32.	Kathy Hohnbaum	416 33 rd St. SW	252-9725
33.			
34.			

* General Development Plan(GDP) #219, to be known as Spring Brook Valley AND Zoning District Amendment #03-22. The applicant, COPAR Development, is proposing to re-zone 94.14 acres of land from R-1 (Mixed Single Family) to the R-2 (Low Density Residential) district, and to develop the land with low density residential dwellings at densities ranging from 9 units/acre to 12 units/acre. The GDP includes a total of approximately 112 acres of land and proposes to develop the eastern 17.16 acres as in the B-4 (General Commercial) district, with the western 94.14 acres developed in the R-2 (Low Density Residential) district. The Plan also identifies public and private roads, stormwater ponds, public parkland and accesses to the TH 63 Frontage Road. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36th ST. SW.

Ms. Mitzi A. Baker presented the staff reports, dated December 4, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that she received a call from the applicant today asking to amend their application to request the R-1x zoning district instead of the R-2. However, staff needs this on record since we do not have this on paper. Staff supports approval of the R-1x zoning district, as indicated in the staff report.

Ms. Baker stated the property owners in the area do not have any interest in having Enterprise Drive constructed. However, it is staff's opinion that it should be constructed. The location of where Enterprise Drive is stubbed into the site is where the B-4 and R-1 districts come together.

Ms. Baker stated that there is a 20 foot private street connecting to Willow Ridge Drive. When the general development was originally submitted, the road configuration was different. In response to some concerns related to the volume of traffic that would access Willow Ridge Drive, the road alignments were changed and the 20 foot wide private street was put in with a curvilinear design to discourage the use of the access. Without this second access, the applicant would be limited to 500 trips. She explained that through the development agreement process, additional traffic calming could be required.

Ms. Baker stated that the extension of Enterprise Drive is not shown on the proposed general development plan. Staff recommends that the extension be included in the general development plan. If the Commission and Council agree, the proposed general development should be denied.

Mr. Quinn asked if Enterprise Drive were shown on the general development plan, would it have to be constructed into the property.

Ms. Baker responded that Enterprise Drive would need to be connected into the property.

Ms. Wiesner asked if the private roadway should be built wider.

Ms. Baker responded that Willow Ridge Drive has a limited capacity. It is operating at approximately 1400 trips. It can handle up to 2000 trips. With the 20 foot private roadway, it will add approximately 544 additional trips. If the roadway is made more convenient, the concern is that the trips would then exceed the capacity of Willow Ridge Drive.

Ms. Wiesner asked if Ms. Baker's comments would be different if the development was approved as R-1x zoning instead of the R-2 zoning district.

Ms. Baker responded no. The densities on the plan can be done in an R-1x zoning. It would only require a higher level of review. Even though the densities are shown on the plan, they are subject to meeting future reviews, site capacity calculations, etc.

Mr. Haeussinger asked if access off of 36th Street SW wouldn't be a better access alternative.

Ms. Baker responded that there is concern of too much traffic on 36th Street SW. She explained that the concern is between 40th Street SW and Enterprise Drive SW.

Ms. Rivas asked why it was not mentioned in the Public Works comments about the calcareous fen.

Ms. Baker stated that Public Works wouldn't respond to the calcareous fen issue, since they do not have jurisdiction over it. She indicated that she received her information from some wetland experts that it is important to look primarily at grading and development and how it could impact it. She stated that the Public Works staff wouldn't have the level of expertise that they would be aware of it.

Ms. Rivas expressed concern that no one at Public Works would be concerned about water quality.

Ms. Baker stated that calcareous fens are different from Decorah Edge. Decorah Edge issues related to water quality or construction design issues that they need to take into consideration are separate. There have been discussions with the Public Works staff and planning staff regarding the Decorah Shale areas. With regard to water quality, Public Works is working on stormwater management plans and stormwater issues relating to water quality in the community. RPU may be more involved in water quality protection from a drinking water standpoint.

Mr. Burke stated that the 500 trip was indicated as the threshold. He stated that he thought 1200 was the threshold.

Ms. Baker explained that, if a development plan provides for a second access, they can build up to 1200 trips before another access has to be constructed. If the development only shows one access, it would be limited to 500 trips.

Ms. Kristi Clarke, of McGhie and Betts, Inc., addressed the Commission. She stated that the applicant would like to formally request a change from the previously requested R-2 zoning district to the R-1x for the 94.14 acres. By requesting the R-1x zoning district, they would be subject to a higher level of review for the densities shown on the plan.

Ms. Clarke stated that they show 36.36 acres of preserved open space. This represents over 30 percent of the site as undevelopable. She stated that development would be 110 feet away from the calcareous fen (which is a grading limit line). She showed the wetland areas that would be preserved.

Ms. Clarke stated that there would be one 66 foot wide frontage loop road and one 50 foot wide right-of-way, and two private streets. Muhammad Khan and Charlie Reiter, of the Transportation Division of the Rochester-Olmsted Planning Department, have been working with them for over 5 months on the project. The density will be going down as well as the average daily trips by rezoning to the R-1x. The commercial land use will remain the same so

13A

that the average daily trips will remain the same. Mills Fleet Farm and Stone Concepts have indicated that the applicant is not at liberty to use the access. They plan to petition to vacate it within the next month. There is a purchase agreement between them and the applicant stating that they will not use the access. The access does not make sense because it is an incredibly steep area. It would take retaining walls and guard rails. Connecting to 37th Street is not viable since the slope between 37th street and any connection at any spot on the site is over 27 percent grade.

Ms. Clarke stated that Muhammad Khan came up with two alternatives in his analysis: 1) Enterprise Drive and 2) Traffic calming on the extension of Willow Ridge Drive. The applicant supports the second alternative and has been assured by the Transportation Division that they will be within the allowed traffic on the roadway.

Mr. Jeff Broberg, of McGhie & Betts Environmental Services, addressed the Commission. He indicated that he is a licensed professional geologist. He stated that they have been involved in this property since 1999. There are developed properties on all sides of the property, which makes it infill. He understands that individuals that live around the site do not want to give up the open space that has been there in the past.

Mr. Broberg stated that Enterprise Drive would be a 4 lane road that connected ultimately to the frontage road through Greystone to 18th Avenue. McGhie and Betts were asked to do an evaluation of the site for the purposes to run the sewer to the Greystone area and to look at the feasibility of the approach after the project had suffered some reactions from the City because of the style of development that was occurring in the infill area. It is a difficult piece of terrain and is down gradient of everyone.

Mr. Broberg showed and explained all the different wetlands located on the site. He also showed a geologic map based on 20 deep borings and dozens of hand borings. He explained that water cannot penetrate through the layers to the Decorah Edge.

Mr. Broberg stated that a determination was made by the Department of Natural Resources that a wetland on the site has the characteristics of calcareous fen one year ago. By not disturbing that area, it will not affect the calcareous fen.

Ms. Petersson asked if footings would disturb the wetland area.

Mr. Broberg responded no.

Ms. Wiesner asked if they could get another roadway out to the frontage road.

Mr. Broberg stated that Enterprise Drive wouldn't work. There would be two entrances 200 feet away going to the same frontage which wouldn't make sense.

Ms. Wiesner stated that, if a second access is not constructed, the applicant would not be able to develop the property fully.

Mr. Broberg stated that they do not have an area for a second access. They are not allowed to go to Enterprise Drive.

Ms. Baker stated that the development technically has two accesses shown. The primary access would be to the frontage road and the second access would be to Willow Ridge Drive.

135

Ms. Wiesner asked if both accesses would be enough.

Ms. Baker responded that the City Public Works Department has indicated that the extension of Enterprise Drive should be made for better circulation. However, it is not critical to making the development work.

Ms. Wiesner asked if it was legal to use a purchase agreement to state that they cannot use Enterprise Drive.

Ms. Baker stated it is her understanding, from the purchase agreement, that they are precluded from showing the access. Primarily because, if they show it, it will prompt the need for constructing it. This would prompt the need to construct the part that has been platted but people do not want built. By using the agreement, it prevents the need for the construction of the right-of-way.

Mr. Broberg stated she was correct.

Mr. Broberg stated that there is no City ordinance with regard to Decorah Edge. However, they are avoiding the Decorah Edge areas. They have been meeting or exceeding the level of investigation that is proposed in the County Ordinance.

Ms. Rivas asked if the applicant proposes to apply for a substantial land alteration at some point.

Mr. Broberg responded yes. He showed the areas that would need an SLA.

Mr. Tom Hansen, of COPAR Development, addressed the Commission. He stated that the purchase agreement did specifically exclude their ability to show Enterprise Drive on the general development plan. He explained that the adjoining property owners planned to petition for vacation. He stated that he understands that petitioning for the R-1x zoning district would include additional reviews. He stated that he realizes that he did not do a good job getting back to residents trying to contact him. He indicated that he was more involved in issues around the acquisition of the site. By having additional reviews, it should help alleviate some of the resident's concerns.

Mr. Hansen stated that the two access points shown on the proposed general development plan should accommodate the trips per day for the development.

Ms. Sabrina Ceric, of 3163 Avalon Cove Court NW, Rochester MN, addressed the Commission. She stated that she is not a neighbor, but an 8th grader at John Adams middle school and a participant in a group of four students researching the current community concern of Decorah Edge. She expressed concern with the possible workable solutions to the management of the Decorah Edge in the Rochester area. She stated that several studies have shown that Decorah Edge Shale decreases nitrate levels, which decreases the harmful effects with which young infants may be impacted. Considering the studies and that an approximate 50 percent of Rochester's water runs over the Decorah Edge Shale and is at risk of pollution, they ask if a limitation shouldn't be in place for constructing housing on these areas.

Mr. Alexey Leontovich, of 913 36th Street SW, Rochester MN, addressed the Commission. He indicated that he had background in biology and does biomedical research at the Mayo Clinic.

He stated that he was present on behalf of neighbors from 36th and 33rd Street SW. He stated that the development is not very well thought through. He expressed concerns with the following:

- poor blending of neighborhoods
- larger lot homes against high density town homes
- small buffers
- plans that do not show what the impact will be
- highly sensitive area which will be difficult to develop without significant damage to the environment, groundwater, and highly compromised home sites
- majority of site is located on the Decorah Edge
- traffic concerns with access
- developer's avoidance with talking with neighbors

Mr. Leontovich stated that he is not against the development of the land, but consideration of the sensitive nature of the land should be taken into consideration.

Ms. Wendy Turri, of 604 33rd Street SW, Rochester MN, addressed the Commission. She indicated that she has worked for the Pollution Control Agency, but is present as a homeowner. She has 21 years in working in the environmental field and a degree in chemistry. Her area of expertise is water. She stated that she has seen some gamma logs as a result of closing wells in the neighborhood. As you go down the hill, it gets shallower. She showed pictures of a spring that runs all summer since the city put in sewer and water. There was a spring located at the lot adjacent to where she lives for at least 17 years. However, the owner of the lot put in fill. Also on the lot, they tried to build a house years ago and it didn't work. She showed pictures of streams, seeps, and gully erosion problems.

Mr. Quinn asked if the areas she indicated were outside the area Mr. Broberg showed as sensitive areas.

Ms. Turri responded the wetland she showed was not shown by Mr. Broberg.

Mr. Zachary Klaus, of 504 33rd Street SW, Rochester MN, addressed the Commission. He indicated that he has lived in the neighborhood since 1960. He showed a seep that was the result of the sewer line constructed. He showed a wetland that was located outside of where Mr. Broberg showed as a wetland. He explained that the site has highly erodible soils and receives groundwater runoff from the Greystone development.

Ms. Turri stated that many homes that have been built on the Decorah Edge have had water problems. She described the costs in basement repairs and the hardship in trying to sell the home.

Ms. Turri stated that there is one treatment plant (Caledonia) in the state that has the ability to remove nitrates from water.

Ms. Turri stated that Terry Lee indicated that this is one of the most important remaining sites in the City of Rochester. The comments received stated that it may impact the groundwater supply and the City's recharge. They encourage the developer to learn more about Decorah Edge to minimize the loss of natural filtration.

137

Ms. Turri pointed out several areas on the site that are highly erodible.

Ms. Turri questioned why Rochester Public Utilities didn't comment on the development. They stated that they are looking at redoing their recharge zones.

Ms. Turri stated that there are many features showing that there are more Decorah Edge areas on the site than Mr. Broberg is indicating. Therefore, more research should be done.

Ms. Turri expressed concern about losing mature oaks and loss of nitrogen uptake.

Mr. Bruce Winter, of 707 36th Street SW, Rochester MN, addressed the Commission. He indicated that he has lived in the neighborhood for 15 years. He expressed concern that, over the next two years, the development on 40th Street SW will change the flow of traffic patterns, add congestion, etc. He expressed concern with the accuracy of the estimated new daily trips, road capacities, levels of service at intersections, long range traffic planning, private road care and maintenance by various neighborhood associations, congestion at the intersection of Highway 63 and 40th Street SW, Willow Ridge Drive extension into the development, off-street parking, reduced safety caused by increased traffic, noise, and what is actually known about COPAR Development and their expertise. He expressed the following concerns about the developer:

- they were only incorporated since June 2002
- they do not have any previous history of development in Rochester
- no public records found of development activity prior to December 2002
- little history of development in previous communities
- they have four active developments listed on their website
- there is no knowledge if they have completed any developments
- not sure if they have any experience in developing in environmentally sensitive areas

Mr. Alexey Leontovich, of 913 36th Street SW, Rochester MN, addressed the Commission. He asked that the Commission leave the property zoned R-1, deny rezoning until an ordinance is developed for these sensitive areas, make them have significant buffers, and ask that they have a more detailed general development plan.

Dr. Herschel Carpenter addressed the Commission. She expressed concern with doing any construction on these sensitive areas until Decorah Edge is understood completely.

Mr. Tom Hexum (1000 Rocky Creek Drive NE, Rochester MN), representing Mills Properties and Stone Concepts, addressed the Commission. He stated that they plan to vacate Enterprise Drive because it is not viable (engineering wise) to extend it. Mr. Bruce Ockland does not want to pay for it since it adds nothing to his property.

Mr. Hexum stated that Carl Shuler's Industrial Park will also use the frontage road up to the 40th Street SW diamond. There are four access points counted on the frontage road. Only the City wants Enterprise Drive and Carlton Drive extended. When Enterprise Drive is cut off from adjoining onto 40th Street SW, it will go nowhere.

Mr. Hexum stated that there is a Transportation Improvement District in Rochester to put money on building two times the amount of road necessary to extend an engineering scenario behind Fleet Farm. The property is designed in the Willow Creek Transportation Improvement District

139

to be a contributor to the 40th Street SW diamond and frontage road system. The proposals in front of the Council right now are based on traffic counts.

Mr. Zachary Klaus, of 504 33rd Street SW, Rochester MN, addressed the Commission. When he first moved into his home, there was an issue in Willow Ridge mobile home park regarding the installation. Promises were made but fell through. For example, a water tower was to be paid by the City. However, the residents ended up paying for it. He stated that the reason the applicant is requesting the zone change is to maximize their profits at the expense of the existing neighborhoods. He expressed concern with the proposed density.

Mr. Klaus indicated that the developer told him that it would be difficult to put a buffer in because he would be building within 25 feet of the lot lines. Mr. Hexum indicated that the residents should put a buffer up on their own property. He stated that they have a power line, cable, and telephone lines located there. Therefore, there is no room for a buffer on their own property. He also expressed concern with looking at one large building from his back yard.

Ms. Wiesner stated that they are not looking at house styles at this meeting.

Mr. Klaus questioned how they would get their density per acre and not look at a solid wall of a building.

Mr. Klaus stated that he collects antique tractors and wanted to put a large garage in the back of his yard. He was not allowed to because it didn't fit the residential area. A neighbor down the street asked for a variance to build a large garage so that he could locate a business there. He went before a Board to ask for the variance. All the neighbors stated that they were in favor of it and the Board took the input. He stated that the neighbors present at the meeting are not in favor of the proposed general development plan. They do not support the high density. He stated that he thinks Mr. Broberg is underplaying some of the conditions on the site.

Mr. Klaus stated that the water and sewer lines would go through the Decorah Edge, even though they do not plan on putting in basements.

Mr. Klaus stated that, if the development is approved, the neighbors of 36th Street SW, 33rd Street SW, and Southtown Heights will live with the impact of this development.

Mr. Jeff Broberg, of McGhie & Betts Environmental Services, addressed the Commission. He made the following presentation verbatim:

I think there are a number of inaccuracies that need to be corrected. I am concerned that the opponents predictably have peppered the public record with issues that aren't specifically related to this site. They showed erosion potential at Manorwoods, some of the most highly erodible soils in the County that aren't the same soil types that are here. I am particularly grieved that we have students that are under the misrepresentation of poorly collected and poorly designed data. The nitrogen reduction that is hypothesized about this is not proven. It's a study that they only show the results, Mr. Lee, only shows the results that suit his conclusion. He has other data that does not show nitrogen reductions. The knowledge that exists about those systems is that those wetlands cycle nitrogen. That if you test in August you have nitrogen uptake in the plants, if you test in December you have the release. It is an incompletely understood system. This gets to the point of why RPU is taking a slow approach to this. We don't have all of the answers related to this and so the hand that we are dealt is to identify those areas that have the

highest risk and avoid them. We have done that in this plan. We have identified the areas, the geologically sensitive areas, and we have proposed the avoidance of those for construction reasons and groundwater protection reasons. And to suggest otherwise, is a detriment to the community. I mean we need to encourage developers to come in and do the type of investigation that identifies where these issues exist so that we can do the avoidance. So, I would be happy to answer any questions but I would like to ask all of you to become more familiar with this Decorah Edge issue. You need to talk to the experts that are with the United States Geological Service, the Minnesota Geological Survey, and those people doing the investigations. This community has not invited those people to participate in this discussion. We have a one man band making a promotion of an issue that needs to be better understood. We have essentially provided Mr. Lee, the County water planner, with practically everything he knows about this. McGhie and Betts, our firm, has done that through this sort of site investigation.

Mr. Quinn asked Mr. Broberg to comment on the slides and situation at the edge of the property on the north. This area is outside of any listed protected area.

Mr. Broberg stated that he is familiar with the spring and know that there are deep soils in the area where the road crosses the Decorah Edge. It escapes into the permeable soils in the subsurface in that area. The things he has heard that have occurred in that development are regrettable (illegal wetland filling and lack of attention to the details as they cut sewers). He stated that those are things they know better than to do on this development. It is a public responsibility to support the people who are doing the work to understand the issues. They have approximately 5 acres in the area where they are crossing onto the Decorah Edge terrace. They have relatively thick soils. The other slides that were shown are in the stream. They are protecting the stream corridor. They know where the seeps are. He showed where the dry Decorah slope was located. The details of the plan will come after they have a general development plan approved. They need to have a sense of where the roads will be located so they can avoid the problems and engineer the solutions that are appropriate. Groundwater protection is an important community aspect.

Ms. Petersson asked if it wouldn't be as developable in the R-1 zoning district.

Mr. Broberg responded that it was developable in the R-1 zoning district. It is a fairness notion in some regard. He indicated that the areas they are preserving are areas that are developable. He asked for recognition, if they are preserving 30 percent of the site as sensitive, can't they have a higher density sensitive development in the areas that are suitable.

Mr. Burke stated that City did some damage when they ran utilities to Southtown Heights. He asked if the developer plans to resolve some of those problems.

Mr. Broberg stated that he was not sure if they could correct them. There are techniques to protect their development.

Ms. Kristi Clarke, of McGhie and Betts, addressed the Commission. She stated that they have done some studies in that area because they have been asked to connect the sewer from what was Greystone (Barony Woods). The seep is significant and they will show at least a 30 to 50 foot drainage. She concluded that they agree with the staff-recommended conditions, excluding the connection with Enterprise Drive.

Ms. Clarke stated that they have completed over 3 years of environmental analysis with over 100 test pits. Most of the slides presented happened in an area that they are not proposing to develop on. They can only get 5.5 units per acre in the R-1x zoning district if they do not want to have additional review by the Commission. This would be 1.5 units over single family. Each area will most likely develop between 5.5 and 8. Therefore, the Commission will have the opportunity to review the specific buildings, styles of housing, grading, seepage and environmental issues of each of the areas.

Ms. Jennifer Mann, of 715 36th Street SW, Rochester MN, addressed the Commission. If the R-1x zoning district were approved, there would be a lot of conditions that could change. She asked that the Commission to review pages 138-141 of the Zoning Ordinance. Next Tuesday, December 16, 2003, there is a County Board meeting that they will be asked to initiate land development control changes as a means of preserving the groundwater recharge and pollution buffer processes that occur at the terminal edge of the Decorah Shale. Measures being suggested include adopting an overlay zoning district, requiring on-site investigation of groundwater flows within an overlay zone, and requiring development that minimizes impacts to the groundwater recharge processes. This could be a turning point for the City of Rochester and Olmsted County. Therefore, the Commission should hold off on rezoning the property until this is reviewed by the City and County. The DNR has not been included in the City and County for input, as indicated by Don Nelson from the DNR. In Minnesota, a project developer is responsible for hiring a consultant to delineate "qualifying measure areas that are identified as wetlands." This creates a big conflict of interest resulting in the delineation of the wetlands to be of smaller acreage and lower quality than what would be identified by an unbiased consultant. The consultant may or may not use standard procedures because there are no government program certification or licensing active in the state.

Mr. Wheeler explained that the DNR receives a referral on every application that comes through our department. They also serve on the Technical Evaluation Panel that addresses wetlands. Also, they have been involved in reviewing the County versions of the Decorah Edge draft ordinances.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson stated that she could not support the development knowing that the County Board would be looking into Decorah Edge next week.

Mr. Wheeler stated that the County Board has not initiated the amendment yet. He indicated that he thought they would in February. He explained that there is a difference in the concerns by the City and the County. Because the average density of development in a suburban development has to be 3 acres per lot, the precision with which they identify potential impacts on development value goes down considerably. The Commission has an obligation to review the application under the City ordinances now in effect.

Mr. Quinn asked Mr. Wheeler to comment on Enterprise Drive.

Mr. Wheeler responded that he did not know the circumstances of the extension of Enterprise Drive.

Ms. Baker stated that she had discussion with Rochester Public Works on the extension of Enterprise Drive. They are standing firm on their recommendation. To some degree, it appears as though the development can work without it.

141

Ms. Petersson stated that she could not support the development because Enterprise Drive is not shown on the general development plan and she is concerned about the groundwater.

Ms. Rivas stated that they had a good example in the last request of a developer working with the community. She stated that she would like the applicant to work with community and get more details on whether there is a need for Enterprise Drive or not. Also, she would like information on the location of houses and where the soil borings were.

Mr. Burke stated that, in order for the applicant to make the densities work, they are having to work with a smaller area. They are attempting to avoid the sensitive areas. He indicated that he did not think they could accomplish this through the R-1 zoning district. The advantage with the R-1x zoning district is that they would have to come before the Commission again. If the property is left in the R-1 zoning district, they might have to expand out into the sensitive areas to make it work for them.

Ms. Petersson stated that an option would be to recommend a moratorium on building in the Decorah Edge areas until more is known.

Mr. Staver stated that it would not be appropriate to create a moratorium while the developer is going through the process. He indicated that the property is unique and has many challenges he is not comfortable with.

Mr. Haeussinger stated that the Commission would not have straight forward answers for quite some time. He stated that conservation zones should be considered.

Ms. Petersson moved to recommend denial of General Development Plan (GDP) #219, to be known as Spring Brook Valley as it does not show the extension of Enterprise Drive.

Mr. Staver stated that most of the Commission's discussion has focuses on Criteria F regarding drainage, erosion, and construction.

Ms. Petersson agreed with Mr. Staver with regard to his recommended finding.

Mr. Haeussinger seconded the motion. The motion failed 4-5 with Mr. Burke, Mr. Ohly, Ms. Wiesner, Mr. Quinn, and Mr. Dockter voting nay.

Mr. Quinn moved to recommend approval of General Development Plan(GDP) #219, to be known as Spring Brook Valley with the staff-recommended conditions and findings (without the extension of Enterprise Drive). Mr. Burke seconded the motion. The motion carried 5-4, Ms. Petersson, Mr. Staver, Mr. Haeussinger, and Ms. Rivas voting nay.

CONDITIONS:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the Cit that outlines the obligations of the developer/owner relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID/Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public utilities.

2. A regional stormwater management facility will be required within this GDP site. The concept of several small detention ponds along the wetland/stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.
3. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the GDP abutting the west frontage road. Mid block connections must be provided as required by Ordinance. The developer/owner shall also provide pedestrian facilities between the northern extent of Willow Ridge Drive through Spring Brook Valley to the public road system within the development. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the west property line. Specific obligations will be addressed in the Development Agreement.
4. Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen. Prior to approval of any land disturbing activities in the areas adjacent to the Fen (i.e. Area C), the applicant shall coordinate with the Planning Department and MN DNR to verify that development activities will have no adverse impacts on the Fen in the near future or long term.
5. A revised GDP shall be filed with the Planning Department identifying all delineated Wetlands on the property.
6. Approval is Contingent upon negative findings for an EAW and completion of a study of groundwater and surface water flow of the site. Any Modifications to the Plan to mitigate or avoid adverse environmental impacts identified through the EAW process, or through further assessment of the Site's hydrology will need to be reflected in a revised GDP.
7. Staff reviewed this application with a two way private roadway proposed as a connection to Willow Ridge Drive, as requested by the applicant. If this connection is approved as a private two way road, the Owner will be required through the Development Agreement process to dedicate public access rights over the private roadway to allow traffic flow between the proposed and existing development.
8. At the time of development, water main extension and hopping of systems must be completed per the requirements of RPU Water.
9. Parkland dedication requirements shall be met via dedication of the 3.5 acre public park shown on the Revised Plan dated November 14, 2003. The balance of dedication (total approx. 7.0 acres), shall be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

Mr. Quinn moved to recommend approval of Zoning District Amendment #03-22 (to the R-1x zoning district) with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-2, with Ms. Petersson and Mr. Staver voting nay.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-5-04

143

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-4

ITEM DESCRIPTION: General Development Plan(GDP) #219, to be known as Spring Brook Valley. The GDP includes a total of approximately 112 acres of land and proposes to develop the eastern 17.16 acres in the B-4 (General Commercial) district, with the western 94.14 acres developed in the R-1x (Mixed Single Family Extra) district. The Plan also identifies public and private roads, stormwater ponds, public parkland and accesses to the TH 63 Frontage Road. The property is located west of TH 63, south of TH 52 and Southtown Heights and north of 36th ST.

PREPARED BY:
Mitzi A. Baker,
Senior Planner

December 18, 2003

NOTE: See CPZC minutes from previous Zone Change hearing.

Please note: Staff recommends that Enterprise Drive be extended into this development. If the Council agrees with this recommendation, the GDP should be denied as proposed. The GDP does not accommodate extending this right-of-way.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 14, 2003, to consider this petition.

Please see the attached minutes for details related to the public hearing and Commission recommendation. The Planning Commission recommended approval of this GDP 5-4, subject to the following conditions/modifications:

1. *Pedestrian facilities should also be provided between the northern extend to Willow Ridge Rive and the new public roadway within Spring Brook.*
2. *Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen. Overall, groundwater flows in this area need to be studied to understand potential impacts of development and ensure the long-term viability of this Fen.*
3. *Right of Way for Enterprise Drive terminates at the south line of this property and is not currently shown to extend into this GDP. This Right-of-Way should be extended into this property and incorporated into the roadway network for this Site.*
4. *Development will need to be phased to limit the number of trips to <1,200 prior to construction of a second access. Phasing shall be such that access to Willow Ridge Drive SW occurs when the development will exceed the 1,200 trip threshold and not before based on plats or Plan approval.*
5. *Contingent upon negative findings for an EAW and completion of a study of groundwater and surface water flow of the site. Any Modifications to the Plan to mitigate or avoid adverse environmental impacts identified through the EAW process or further assessment of the Site's.*
6. *Development densities shown on the Plan are subject to completion of Site Capacity Calculations and compliance with adopted regulations.*

COUNCIL ACTION:

Motion By:

Seconded By:

Action:

GENERAL DEVELOPMENT PLAN
Spring Brook Valley
12-22-03
Revised

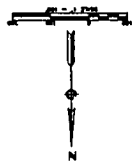
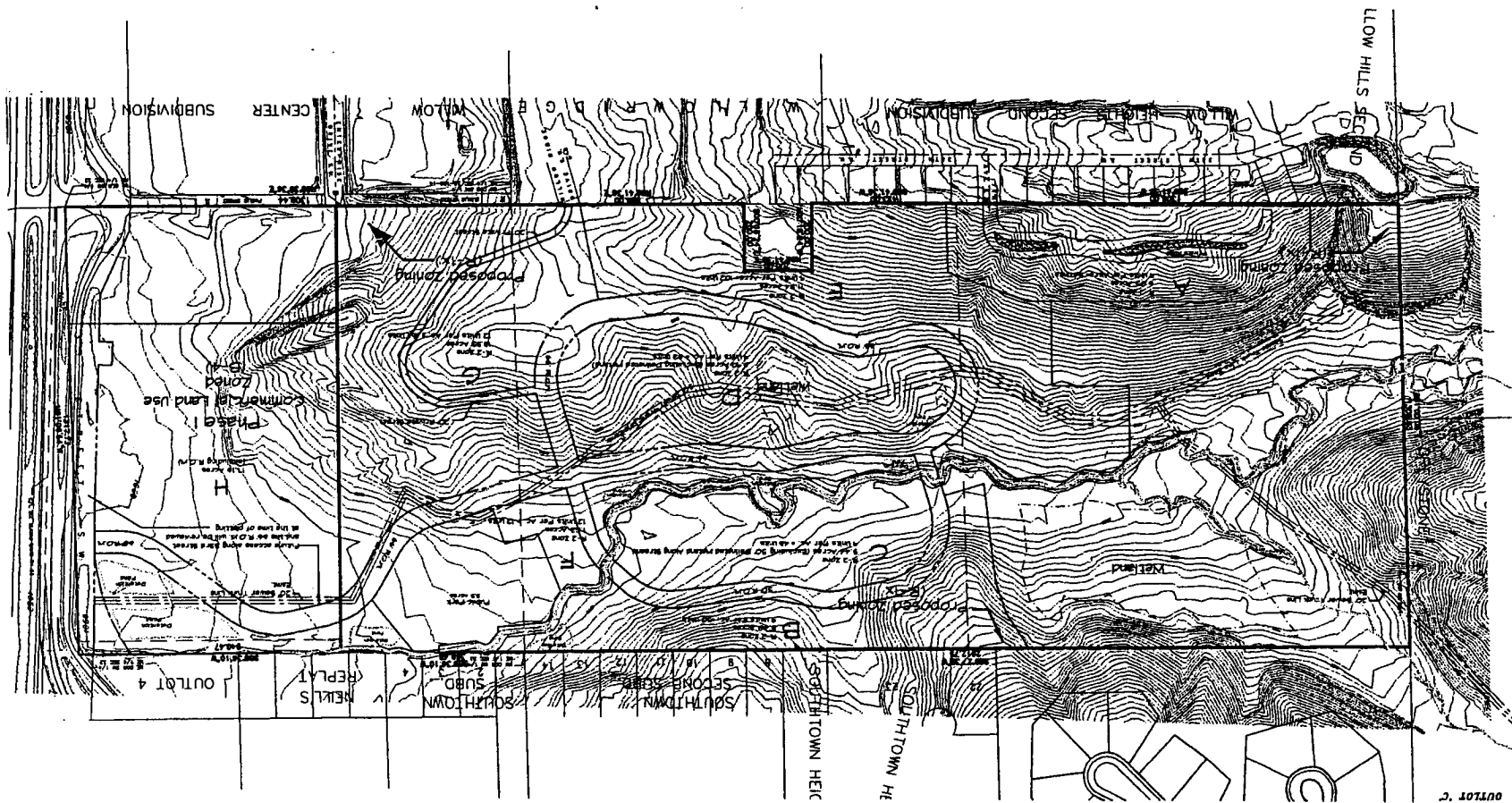
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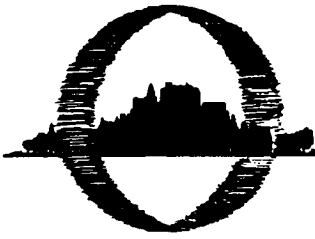
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JULY 1968**





ROCHESTER-OLMSTED PLANNING DEPARTMENT

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COUNTY OF

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TO: City Planning and Zoning Commission

FROM: Mitzi Baker, Planner

DATE: December 4, 2003

RE: General Development Plan #219 to be known as Spring Brook Valley.

Planning Department Review:

Petitioner: COPAR Development, LLC
Tom Hansen
406 Main Street
Red Wing, MN 55066

Property Owner: Rochester Properties
1224 W 96th Street
Bloomington, MN 55431

Mills Properties
PO Box 971
Brained, MN 56401

Consultant: McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Location of Property: The property is located west of TH 63 S, west of the Fleet Farm store, north of 36th St. SW and east of the Greystone development.

Proposed Use: This Plan includes approximately 114 acres of land. Approximately ¼ of the site, in the west and northwest, is proposed to remain undeveloped. Wetlands have been delineated in this area and are planned to be avoided. A majority of the Site is proposed to be developed with low density residential dwellings that may include townhomes. Proposed densities range from 9 to 12 units/acre. The eastern 17 acres of the site is zoned B-4 (General Commercial) and is proposed to be developed with commercial land uses.

Land Use Plan And Zoning Designations: Except for "Area H", the commercial area, the Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential" uses and the property is currently zoned R-1 (Mixed Single Family) district.

Area "H" includes approximately 17 acres along the TH 63 Frontage Road that is currently zoned B-4 (General Commercial).

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224
PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

146

The applicant has petitioned to change approximately 94 acres of the site from the R-1 (Mixed Single Family) district to the R-2 (Low Density Residential) district.

Streets:

The plan proposes both public and private roadways within the development.

Primary access is shown at the TH 63 west Frontage Road (33rd St.). Additional access to the residential area is proposed at the north end of Willow Ridge Drive. This access is proposed to accommodate two way traffic on a 20' wide private road, which would connect to the internal public street system. In response to concerns raised by the Transportation Planning Staff, this roadway configuration was modified from the original submittal to provide a more circuitous route and to emphasize and encourage use of the primary public road system. Though the Plan labeled this access as a one-way north, the applicant did amend this application to propose that road as a two-way.

Another access is proposed at the north end of 7th Ave. SW. The extension of this road is proposed to be a private street serving a limited area of the development.

Right-of-way for Enterprise Drive SW is platted to the south property line of this GDP, but is not proposed to be extended into the property. Extension of this roadway should be included in this GDP.

Sidewalks:

Pedestrian facilities are required along both sides of all new public roadways. Pedestrian facilities should also be provided between Willow Ridge Rive and the new public roadway within Spring Brook.

Drainage:

This property has steep and rolling terrain and drains to an intermittent stream that runs from west to east through the site. The Plan proposes multiple cells for stormwater management along the stream corridor, as well as two larger detention ponds in the northeast corner of the GDP.

Detailed grading and drainage plans will be required when the property is platted or developed.

Wetlands:

Hydric Soils and Wetlands exist within this GDP. Some of the Wetlands have been identified on the Plan, however one known Wetland was not identified or labeled in the far western portion of the site, south of the drainage corridor. Wetlands have also been delineated along the stream channel.

Calcareous fens are the result of glacial deposits that permit a constant upwelling of alkaline groundwater rich in calcium and magnesium bicarbonates. Many rare plants are largely restricted to fens, which cover just over 1,000 acres statewide. A Calcareous Fen has been delineated in the northwest portion of the Site. Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen if not designed properly.

147

Public Utilities: Several alternatives for water service to the site exist. The applicant will need to coordinate with RPU Water Division to determine options and engineering issues. Ultimately a loop from the north to the south systems in the area must be completed to provide adequate flows for fire protection to the commercial area.

Builders will need to install pressure-reducing devices as required by the MN Plumbing Code.

A trunkmain sanitary sewer dissects this property, which currently serves the Greystone development as well as development west of 18th Ave. SW. Service lines will need to be extended from this trunkmain to serve this development.

Parkland Dedication: This proposed development would have a parkland dedication requirement of approximately 7 acres. A minimum of 3.5 acres of the dedication should be in the form of land. The revised GDP indicates a 3.5 acre public park, which will meet the development's land dedication. The balance of the dedication can be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

Environmental Review: This development meets several thresholds requiring a Mandatory Environmental Assessment Worksheet in accordance with MN Rules, 4410.4300.

The applicant has not submitted an EAW to the City at this time. Prior to approvals for subdivision or development within this GDP, an EAW will need to be filed with the City, and processed according to MN Rules.

Referral Comments:

1. Planning Dept. Transportation Division
2. Rochester Public Works
3. Wetland LGU, John Harford
4. Rochester Park & Recreation
5. RPU Water Division
6. Rochester Fire Department
7. Planning Department - GIS Division
8. Olmsted County Water Coordinator

Report Attachments:

1. Proposed General Development Plan
2. General Development Plan Narrative
3. Referral Comments

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached).

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have

148

been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

A Zoning District amendment is being considered concurrent with this GDP. If the amendment were approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

Generally, low density residential uses are considered compatible with other residential development.

The first Spring Brook Valley GDP filed for this property included a public road connection to Willow Ridge Drive SW. The design of this connection concerned staff because it would likely have resulted in a higher than acceptable volume of traffic utilizing Willow Ridge Drive SW. Since the original submittal, the applicant's consultant re-designed the access to Willow Ridge Drive to provide a less desirable route for motorists while still maintaining the access. As part of this re-design of the connection, the public street system providing connection to the TH 63 west frontage road was emphasized, to encourage motorists to utilize that route. Though the revised GDP was submitted with the Willow Ridge Dr. connection labeled as a one-way going north, the applicant has requested to change that labeling to a two-way private road. Staff reviewed this application with this connection as a two-way. As a two-way private street (20' min. width) show, it is expected that Willow Ridge Drive will operate at capacity.

If necessary to further reduce trips on Willow Ridge Drive, the developer could be required to install a traffic-calming device, which could further reduce the number of vehicles utilizing Willow Ridge Drive. Another option is that the City could require the developer to contribute toward upgrading Willow Ridge Drive to the design standards of a Major Residential Street to handle higher volumes of traffic. On and off site improvements will need to be outlined in a development agreement prior to development of this property.

Currently, Enterprise Drive right-of-way terminates at the south line of this development. The GDP submitted does not include an extension of Enterprise Drive. As recommended by Rochester Public Works, the extension of this roadway needs to be incorporated into this GDP.

Connection from Carlton to either TH 63 or 40th St occurs via the West Frontage Road, currently a substandard local non-residential street. Upgrading of the West Frontage Road is planned to a collector street cross section as part of the TH 63 South Interchange Project, which will replace at-grade intersections on TH 63 with an interchange at 40th St and will upgrade connecting roads to the interchange area. Upgrading of Carlton Street and construction of Enterprise Drive will need to be resolved, most likely through a public improvement project with the developer's contribution to the project identified in a Development Agreement.

149

Contribution toward these improvements will likely be required by this developer via TID (Traffic Improvement District) charges.

At the time of development, site capacity calculations will need to be completed. Based on the calculations, the development density may actually be less than what is shown on the GDP. The site capacity calculations will determine what the developable acreage is after subtracting certain environmental features. At this time, the applicant has not completed site capacity calculations for this project, to determine the permitted density of developable acres. These calculations are required at the time a detailed site plan is prepared and submitted for review/approval.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

A Zoning District amendment is being considered concurrent with this GDP. If the amendment were approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property.

The policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan encourage developing a range of densities and development styles. Development of this property would provide more choices in housing styles and densities within this geographic area of the City.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Several alternatives for extending water service to the site exist. The applicant will need to coordinate with RPU Water Division to determine options and design requirements.

A trunkmain sanitary sewer dissects this property, which currently serves the Greystone development and other developments located west of 18th Ave. SW. Service lines will need to be extended from this trunkmain to serve this development.

The first Spring Brook Valley GDP filed for this property included a public road connection to Willow Ridge Drive SW. The design of this connection concerned staff because it would have resulted in a higher than acceptable volume of traffic utilizing Willow Ridge Drive SW. Since the original submittal, the applicant's consultant re-designed the access to Willow Ridge Drive to provide a less desirable route for motorists while still maintaining the access. As part of this re-design of the connection, the public street system providing connection to the TH 63 west frontage road was emphasized to encourage motorists to utilize that route. Though the revised GDP was submitted with the Willow Ridge Dr. connection labeled



as a one-way going north, the applicant has requested to change that labeling to a two-way private road. Staff reviewed this application with this connection as a two-way. As a two-way private street (20' min. width), with the alignment on the GDP, it is expected that Willow Ridge Drive will operate at capacity.

If necessary to further reduce trips on Willow Ridge Drive, the developer could be required to install a traffic-calming device, which could further reduce the number of vehicles utilizing Willow Ridge Drive. Another option is that the City could require the developer to contribute toward upgrading Willow Ridge Drive to the design standards of a Major Residential Street to handle higher volumes of traffic. On and off site improvements will need to be outlined in a development agreement prior to development of this property.

Currently, Enterprise Drive right-of-way terminates at the south line of this development. This road needs to be extended into this property to provide additional access and circulation. The GDP submitted does not include an extension of Enterprise Drive. As recommended by Rochester Public Works, the extension of this roadway needs to be incorporated into this GDP.

Upgrading of Carlton Street and construction of Enterprise Drive will need to be resolved, most likely through a public improvement project with the developer's contribution to the project identified in a Development Agreement.

The development will need to be phased to limit the number of trips generated prior to completion of the roadway connection to Willow Ridge Drive.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

A Traffic Impact Analysis was completed in October by Muhammad Khan, Transportation Planner, for the original GDP submitted to the Planning Department. This document is attached. The application has, however, been modified to address some concerns with the volume of trips that would have utilized Willow Ridge Drive. A new formal Analysis was not prepared for the amended GDP, however Mr. Khan has informed staff that the modifications made to the roadways, and the access as shown on the Revised GDP dated

151

November 14, 2003 would result in Willow Ridge Drive operating at or near capacity. If necessary to further reduce trips on Willow Ridge Drive, the developer could be required to install a traffic-calming device, which could further reduce the number of vehicles utilizing Willow Ridge Drive. Another option is that the City could require the developer to contribute toward upgrading Willow Ridge Drive to the design standards of a Major Residential Street to handle higher volumes of traffic. On and off site improvements will need to be outlined in a development agreement prior to development of this property.

Right of Way for Enterprise Drive terminates at the south line of this property and is not currently shown to extend into this GDP. This Right-of-Way should be extended into this property and incorporated into the roadway network for this Site. Upgrading of Carlton Street and construction of Enterprise Drive will need to be resolved, most likely through a public improvement project with the developer's contribution to the project identified in a Development Agreement.

The development will need to be phased to limit the number of trips generated prior to completion of the roadway connection to Willow Ridge Drive.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Several alternatives for extending water service to the site exist. The applicant will need to coordinate with RPU Water Division to determine options and design requirements.

A trunkmain sanitary sewer dissects this property, which currently serves the Greystone development. Service lines will need to be extended from this trunkmain to serve this development.

Detailed construction plans will need to be prepared and approved by the City prior to constructing infrastructure for this Development.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

This proposed development would have a parkland

152

dedication requirement of approximately 7 acres. A minimum of 3.5 acres of the dedication should be in the form of land. The revised GDP indicates a 3.5 acre public park that will meet the development's land dedication. The balance of the dedication can be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

Pedestrian facilities should be provided between Willow Ridge Drive and the internal public street system within this GDP. Mid-block pedestrian connections will be required consistent with the Ordinance.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Storm water ponds are proposed in multiple locations, on the GDP, along the creek corridor. The concept of several small detention ponds along the stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management. Detailed grading and drainage plans will be required prior to platting or grading.

Decorah Edge conditions exist through a vast area of this Site. The developer and consultants may need to incorporate subdrain and tiling in the engineering design for the Site. Development of this property may have an impact on groundwater supplies and re-charge for the City's drinking water supply. The developer is encouraged to learn more about development in the Decorah Edge to avoid unexpected expenses and minimize impacts to the natural filtration of water that occurs in these areas.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

A Zoning District amendment is being considered concurrent with this GDP. If the amendment were approved, the land uses within the GDP would be consistent with the land use designation and zoning for the property.

At the time of development, site capacity calculations will need to be completed. Based on the calculations, the development density shown on the GDP may actually be less. The site capacity calculations will determine what the developable acreage is after subtracting certain environmental features. Additionally, the applicant will need to study the groundwater and surface water flows of the site to avoid adverse impacts to the delineated Calcareous Fen, which may result in a reduction of the development area.

Decorah Edge conditions exist through a vast area of this Site. The developer and consultants may need to incorporate subdrain and tiling in

153

the engineering design for the Site. Development of this property may have an impact on groundwater supplies and re-charge for the City's drinking water supply.

Summary & Comments:

This property includes delineated Wetlands including a Calcareous Fen, a stream corridor, moderate and steep slopes, and Decorah Edge recharge areas. Grading plan and site plan design will need to incorporate natural features, protect Wetlands and reflect densities consistent with the Rochester Zoning Ordinance and Land Development Manual (LDM) regulations. Additionally, portions of this site include wooded hillsides. The applicant should be aware that Section 64.340 of the LDM could require re-vegetation or screening of slopes exposed by new development, primarily on the wooded slopes.

Permitted densities in the R-1X district may be more appropriate on this property, than the permitted densities in the R-2 district.

If the applicant is relying on future approval of a Substantial Land Alteration/Excavation permit in order to accomplish the GDP proposed, the applicant may want to consider filing a request for the appropriate permit(s) early in the development process, especially if the development design or feasibility would change significantly without approval of said permits.

With the level of detail provided on this GDP, it is difficult for Staff to conclude compatibility of the development style with the landscape/environment. Housing styles have not been specified and placement of dwelling units has not been identified. Future submittals of site plans and grading plans will provide Staff opportunities to review the development details and determine compliance with regulations and policies.

The developer is encouraged to become educated on the impacts that the Decorah Edge may have on the cost for development. Additionally, the developer is encouraged to utilize slab on grade construction, where possible, in the Decorah Edge areas of the development, to minimize interference with groundwater flows and reduce the risk of wet basement problems.

Regarding roadways within the development:

Enterprise Drive should be extended north into this property to provide additional access and circulation. The application currently does not accommodate the extension of this roadway. It's difficult to approve a GDP with a condition that the roadway is extended into the site, because there is no opportunity to review the proposed alignment and other changes that would occur in the GDP to accommodate the extension. If the Commission and Council agree that this roadway should be extended into this GDP, the GDP should probably be denied for failure to accommodate.

Future construction of Enterprise Drive and re-construction of Carlton Street will likely need to be done as public improvement projects in the future. These projects will likely also be included in a Traffic Improvement District (TID). This GDP will be subject to TID charges that will be outlined in a future Development Agreement.

Willow Ridge Drive has limited additional capacity. The roadway connection shown on the GDP and corrected to be a TWO-WAY would result in Willow Ridge Drive operating at or near capacity. In order to reduce the number of vehicles using Willow Ridge Drive from Spring Brook Valley, traffic calming could be required within the Spring Brook Valley GDP to further reduce the trips on that road. Another option would be to require contribution from the developer for future upgrade of Willow Ridge Drive to a Major Local Residential, to increase

154

capacity. Details of on and off site improvements will need to be outlined in a Development Agreement for this GDP.

Several Plans have been prepared for this property over the years, though most were never filed formally. Two years ago a GDP was prepared for this property, which included a mix of townhomes and multi-family in the R-3 district. Those applications were eventually withdrawn and never acted on by the City Council. Following the submittal of these applications, it was determined that a Collector road would not be required through this property for future extension to 18th Ave. SW, as was shown on the Thoroughfare Plan.

Today, a GDP has been filed that includes approximately 114 acres of land. The applicant is proposing to re-zone 94 acres to the R-2 (Low Density Residential) district, and is proposing commercial land uses in the eastern 17 acres of the Site which is already zoned B-4 (General Commercial).

Recommendation:

If the Commission and Council support the extension of Enterprise Drive into this property, this GDP should be denied, as submitted. If the Commission and Council ultimately to not agree with Staff recommendation for the extension and construction of Enterprise Drive into this GDP, then approval could be considered. Since the requirement to file a GDP concurrent with any up-zoning request allows for consideration of these applications simultaneously, the decision on the request to re-zone 94 acres from R-1 (Mixed Single Family Residential) to R-2 (Low Density Residential) could impact the decision on this GDP. If, for instance, the Commission and Council do not support the request to re-zone this property to R-2, the GDP should be denied because it would not be consistent with the current R-1 zoning for the residential portion of the GDP.

Please consider the following conditions, if the Commission and Council choose to approve this GDP, without the extension of Enterprise Drive:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the developer/owner relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID/Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public utilities.***
- 2. A regional stormwater management facility will be required within this GDP site. The concept of several small detention ponds along the wetland/stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.***
- 3. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the GDP abutting the west frontage road. Mid block connections must be provided as required by Ordinance. The developer/owner shall also provide pedestrian facilities between the northern extent of Willow Ridge Drive through Spring Brook Valley to the public road system within the development. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the west property line. Specific obligations will be addressed in the Development Agreement.***

155

4. *Prior to designing grading plans or further development proposals for this property, the developer will need to study the impact that the proposed development will/could have on the Fen. In particular, the roadway and development area shown in "Area C" on the Plan could have adverse impacts on the groundwater and surface water flows towards the Fen. Prior to approval of any land disturbing activities in the areas adjacent to the Fen (i.e. Area C), the applicant shall coordinate with the Planning Department and MN DNR to verify that development activities will have no adverse impacts on the Fen in the near future or long term.*
5. *A revised GDP shall be filed with the Planning Department identifying all delineated Wetlands on the property.*
6. *Approval is Contingent upon negative findings for an EAW and completion of a study of groundwater and surface water flow of the site. Any Modifications to the Plan to mitigate or avoid adverse environmental impacts identified through the EAW process, or through further assessment of the Site's hydrology will need to be reflected in a revised GDP.*
7. *Staff reviewed this application with a two way private roadway proposed as a connection to Willow Ridge Drive, as requested by the applicant. If this connection is approved as a private two way road, the Owner will be required through the Development Agreement process to dedicate public access rights over the private roadway to allow traffic flow between the proposed and existing development.*
8. *At the time of development, water main extension and hoping of systems must be completed per the requirements of RPU Water.*
9. *Parkland dedication requirements shall be met via dedication of the 3.5 acre pubic park shown on the Revised Plan dated November 14, 2003. The balance of dedication (total approx. 7.0 acres), shall be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.*

Notes & Reminders:

Development will need to be phased to limit the number of trips to <1,200 prior to construction of a second access. Phasing shall be such that access to Willow Ridge Drive SW occurs when the development will exceed the 1,200 trip threshold and not before based on plats or Plan approval.

Development densities shown may be reduced following site capacity calculations.



ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for General Development Plan #219 for the proposed Spring Brook Valley development. The following are Public Works comments on this request from 11/4/03. New comments are indicated in **BOLD**, while comments that have been addressed by the revisions, or are no longer applicable are shown with ~~STRIKETHROUGH~~:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to Ownership & Maintenance of the Wetland Areas, TID / Substandard Street Reconstruction charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access, and extension of utilities for adjacent properties, and contributions for public utilities.
2. Grading & Drainage Plan approval is required prior to development.
3. A regional stormwater management facility will be required on this Property. The concept of several small detention ponds along the wetland / stream may be permitted as an aesthetic feature, but may not fulfill the Owner's obligations for providing Stormwater Management.
4. Development ~~will~~ **may** be limited by trip generation until a second access is available. ~~Traffic calming measures may be required to limit the traffic from this development through the residential development to the south via Willow Ridge Dr SW.~~
5. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development, and along the entire frontage of the Property abutting the west frontage road. In addition, a pedestrian trail shall be extended at the Owner's expense through the sanitary sewer corridor to the west property line. Specific obligations will be addressed in the Development Agreement.
6. Controlled access dedication requirements, and individual lot access to the frontage road will be determined in the Development Agreement and should not be shown on the GDP.

157

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. Execution of a City-Owner Contract will be required prior to construction of each phase of development, for all public infrastructure to serve this property.
8. Enterprise Drive should be extended through this development and serve as the **primary secondary access, with the connection to Willow Ridge Dr SW acting as a third alternative access. The revised plan does not address Public Works prior comment regarding the extension of Enterprise Dr SW.**
9. Specific routing of utilities will be addressed through the platting process and plan review.
10. **It is staff's understanding that the applicant intends to request the proposed private road from Willow Ridge Dr SW to this property be permitted for two way traffic vs. one way as shown on the submitted plan. If this connection is approved as a private two way road, the Owner will be required through the Development Agreement process to dedicate public access rights over the private roadway to allow traffic flow between the proposed and existing development.**

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and City-Owner Contract(s) for the Property and include:

- ❖ Sewer Availability Charge (SAC) @ \$3087.14 per developable
- ❖ Water Availability Charge (WAC) @ \$1851.12 per developable acre
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot of frontage (estimated 4000 feet).
- ❖ Willow Creek Transportation Improvement District (TID) charge – TBD in the Development Agreement
- ❖ Substandard Street Reconstruction Charge for the West Frontage Road
- ❖ Storm Water Management – To Be Determined at the time of Grading Plan approval, for areas that do not drain to a privately constructed on-site regional detention facility.
- ❖ First Seal Coat Charge @ \$0.51 per square foot of public road frontage
- ❖ Street Signs, as determined by the City Engineer



we pledge, we deliver

October 31, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: General Development Plan #219 by COPAR Development to be known as Spring Brook Valley to develop 111.3 acres (17.16 acres as Business Use and 94.14 acres as Residential Use) and Zoning District Amendment #03-22 to re-zone 94.14 acres from R-1 to R-2 district.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. Most of this property is within the Intermediate Level Water System Area, which is available in two locations from the north and one from the south. Preliminary computer water system modeling indicates that to provide adequate flows for fire protection in the B-4 area (Planned Phase I) a loop from the north to the south systems must be completed.
3. The upper area to the southwest is within the Willow High Level Water System Area, which is available at the end of 7th Ave SW.
4. Static water pressures within this entire area will range from the low 60's PSI to the low 90's PSI depending on the finished grades. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
5. The water mains must be looped to minimize "dead ends" and water mains must be extended to adjacent properties per our requirements.
6. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
COPAR Development, Inc.
McGhie & Betts, Inc.



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 3, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: General Development Plan (GDP) #219, to be known as Spring Brook Valley and Zoning District Amendment #03-22.

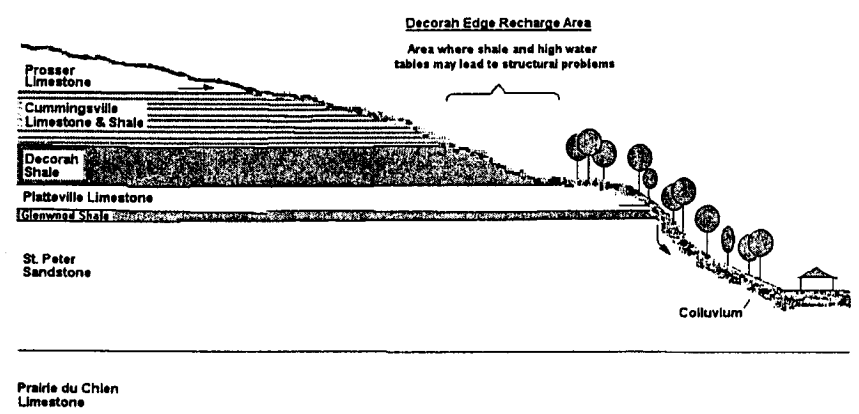
With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posed "No Parking" on both sides of the street.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
COPAR Development, Inc
McGhie & Betts, Inc.

160

Date: November 6, 2003
 To: Jennifer Garness, Rochester-Olmsted Planning Department
 From: Terry Lee, Olmsted County Environmental Services
 Re: General Development Plan #219 by COPAR Development to be known as Spring Brook Valley Subdivision, and Zoning District Amendment #03-22, Rochester Township, Section 23.

The Decorah Edge (see diagram below) is present within the area where the parcel is located. In this hydrogeologic setting, water discharges from the upper aquifer through soils overlying the Decorah shale before recharging the underlying aquifer. Developments in this setting have the potential to affect and be affected by these groundwater processes. Shrinking and swelling of the shale may cause structural problems and seasonal high water tables may result in wetness and flooding problems. This finding is based on information derived from the Olmsted County Geological Atlas, construction logs from nearby wells, and bedrock mapping using two-foot contour intervals.



The Decorah shale layer within this area is mapped at elevation of 1083' to 1130' (see attached map). The mapped bedrock elevations do not account for an approximate 10 to 15 ft/mile southwest dip in the bedrock in this area (see elevations in Table 1). Consequently bedrock elevations would be expected to be higher in the in the northwestern corner of the site and slightly lower in the southeastern corner. More accurate bedrock elevations may be available from borings completed on or near the site.

Table 1. Mapped Bedrock Elevations in Section 23 of Rochester Township.*

Map Unit			Decorah	
Township	Sec	Sub-sec	Fro	To
ochester	23	N	1083	1130
Rochester	23	S	1072	1120

* the attached map is based on the elevations shown for the north ½ of Section 23.

161

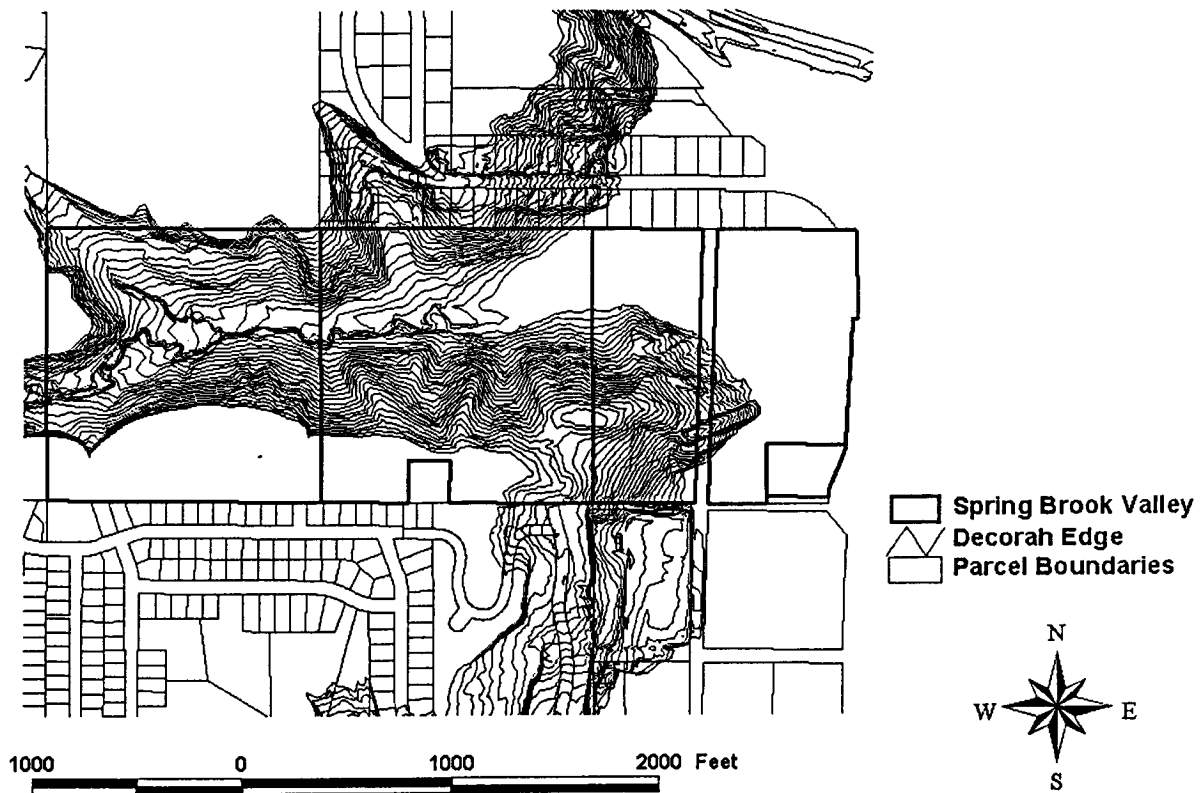
An overview of the Decorah Edge recharge processes and the associated shale and flooding problems can be seen on the 15-minute video titled "Rochester's Groundwater Guardian". Copies of the video are available at the Rochester Public Library.

Enclosed is a Decorah Edge brochure that was prepared by our office.

For additional information contact:

Olmsted County Environmental Services
2116 Campus Drive SE
Rochester, MN 55905
(507) 285-8339
lee.terry@co.olmsted.mn.us

Extent of the Decorah Edge at the Spring Brook Valley
General Development Plan in Rochester Township, Section 23



162

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #219 Spring Brook Valley

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

Additional wetlands have been delineated on this property along the stream channel. A delineation report was submitted and is to be amended. Wetlands previously delineated on the wetsern portion of this property are not shown on this GDP.



ROCHESTER PARK AND RECREATION DEPARTMENT

November 17, 2003

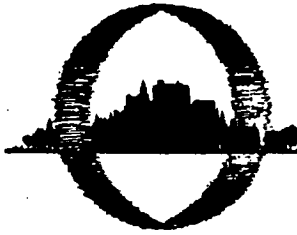
TO: Jennifer Garness
Planning

RE: GDP #219 **REVISED**
Spring Brook Valley

The development as proposed will have a parkland dedication requirement of ± 7.00 acres. A minimum of 3.5 acres of the dedication should be in the form of land.

The revised GDP indicates a 3.5 acre public park. This site will meet the development's land dedication. The balance of the dedication can be in the form of cash in lieu of land or negotiated street construction costs for the park site frontage.

164



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

GENERAL DEVELOPMENT PLAN

REFERRAL RESPONSE

DATE: November 21, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Mc Ghie & Betts Inc.

RE: **SPRING BROOK VALLEY**
GENERAL DEVELOPMENT PLAN #219 *REVISED*

A review of the **GDP** has turned up the following **ROADWAY** or **ADDRESS** related issues:

- 1. The official designation of all public and/or private roadways must have approval of the GIS/E911 Addressing Staff.***
- 2. Supplementary Address Signage and the incurred costs may be required to eliminate complicated or confusing addressing situations. This signage must be coordinated with the GIS/ E-911 Addressing Staff in cooperation with the Rochester Fire Department. If required, this signage will be determined at the time of address review.***

165

**Minnesota Department of Transportation****Minnesota Department of Transportation - District 6**

Mail Stop 060

2900 48th Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

November 25, 2003

Jennifer Garness

Rochester-Olmsted Planning Department

2122 Campus Drive SE, Suite 100

Rochester, MN 55904

RE: Revised General Development Plan (GDP) #219, to be known As Springbrook Valley and Zoning District Amendment #03-22. The applicant, COPAR Development, is proposing to re-zone 94.14 acres of land from Mixed Single Family to Low Density Residential district. The property is located west of US Highway 63, south of US Highway 52 and Southtown Heights and north of 36th Street SW. US Highway 63, CS 5510

Dear Ms. Garness:

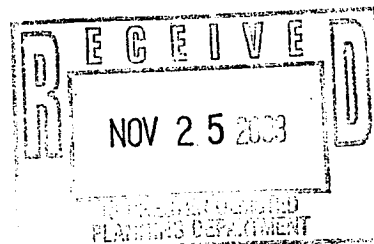
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposal as described. The revised GDP is acceptable, however Mn/DOT encourages the City of Rochester to continually develop internal street connections to reduce impacts for both City streets and for Mn/DOT roadways.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script, reading "Dale E. Maul".

Dale E. Maul
Planning Director





The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 26, 2003

TO: Jennifer Garness, Planning (E-mail only)

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Revised General Development Plan #219, to be known as Spring Brook Valley AND
Zoning District Amendment #03-22.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate minimum water supply of 2750 gallons per minute at 20 pounds per square inch shall be provided to all portions of the property for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division shall be provided for this development plan. Hydrants shall be in place prior to building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32 feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posted "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
- c: Donn Richardson, RPU, Water Division (E-mail only)
Mark Baker, Rochester Public Works (E-mail only)
COPAR Development, Inc
McGhie & Betts Inc. (E-mail only)

167

MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Muhammad Khan
Transportation Planner

DATE: October 30, 2003

RE: Review of Traffic Impact Analysis for **Spring Brook Valley**

Introduction

The GDP includes total of 112 acres of land and proposes to develop the eastern 17.16 acres as General Commercial District (B-4), remaining 94.14 areas proposed for rezoning from R-1 to R-2. Residential area broken into 2 areas-subareas B through G on GDP to be served by roads from the east which includes 455 units, and subarea A, which is served off 7th Ave and included a total of 54 units.

To review the GDP, the following traffic analysis issues are relevant:

1. Level of Service (LOS) – The impact of the development to intersections along any non-residential street where more than 5% of the intersection traffic is generated by the project should be evaluated to determine if the additional traffic increases the average delay per motorist such that the LOS drops below “D”.
2. Number of Access Points – The number of access points shall be minimum needed to provide adequate access capacity for the site
3. Residential Street Impact – Traffic added by the project to existing residential street shall not cause traffic to exceed acceptable ranges identified in the Thoroughfare Plan. The volume thresholds are 1500 +/- 10% for local streets and 2000 +/- for major local streets.

There are also other sections in the Zoning Ordinance and Land Development Manual that are relevant to review of this GDP. Section 64.120 of the LDM includes criteria related to secondary access and connectivity of local streets. The criteria for approval of a GDP addressing the adequacy of public streets is found in section 61.215 and Access Spacing Standards are included in Section 64.140 of LDM.

Summary of Background Information:

- MNDOT, the City of Rochester and Olmsted County have a major highway improvement project programmed for the year 2005 that will upgrade 40th Street SW, the West Frontage Road north of 40th St, and the TH63 mainline to include 4 through lanes and 2 auxiliary lanes north of 40th St with an interchange at 40th St SW.
- Figure 1 on next page shows the site location in respect to the existing land use and the TH 63 / TH 52 interchange.

Residential Area Trip Generation

The GDP is divided into 7 residential districts (A-G). Table 1 illustrates the breakdown of these areas and estimated daily and peak hour traffic generated from each of the districts.

Table 1: Residential Subarea Trip Generation

Area	Style	Units/Acres	Daily Trips	PM Trips	IN	OUT	AM Trips	IN	OUT
A	R-2	54	405	39	25	14	31	7	24
B	R-2	50	375	36	23	13	29	7	22
C	R-2	48	360	35	22	13	28	6	22
D	R-2	70	525	50	32	18	41	9	32
E	R-2	78	585	56	36	20	45	10	35
F	R-2	56	420	40	26	14	33	8	25
G	R-2	153	1148	110	70	40	89	20	69
Totals		509	3818	366	234	132	296	67	229

- Area A traffic is separate from areas B through G will impact only Willow Heights Drive
- Trip Generation estimates based on trip generation 270, ITE Trip Generation Handbook, 6th edition

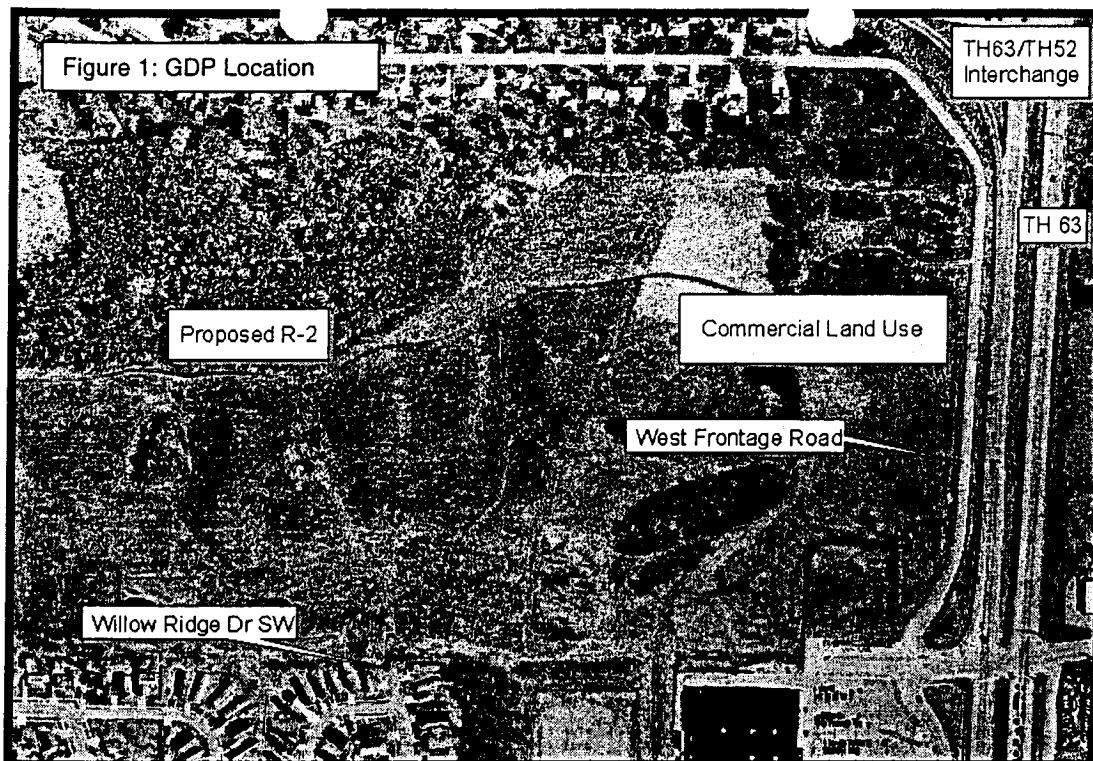
Commercial Land Use Trip Generation

The proposed development includes approximately 17.16 Acres of commercial area along the frontage road to the east of GDP. The AM and PM hour trips estimate assumed 130,000 sq feet of commercial area based on a nominal Floor Area Ratio (FAR) of .175 and developed as a Specialty Retail Center. Table 2 shows commercial subarea estimated daily, morning and evening peak hours estimated trips.

Table 2: Commercial Subarea Estimated Trip Generation

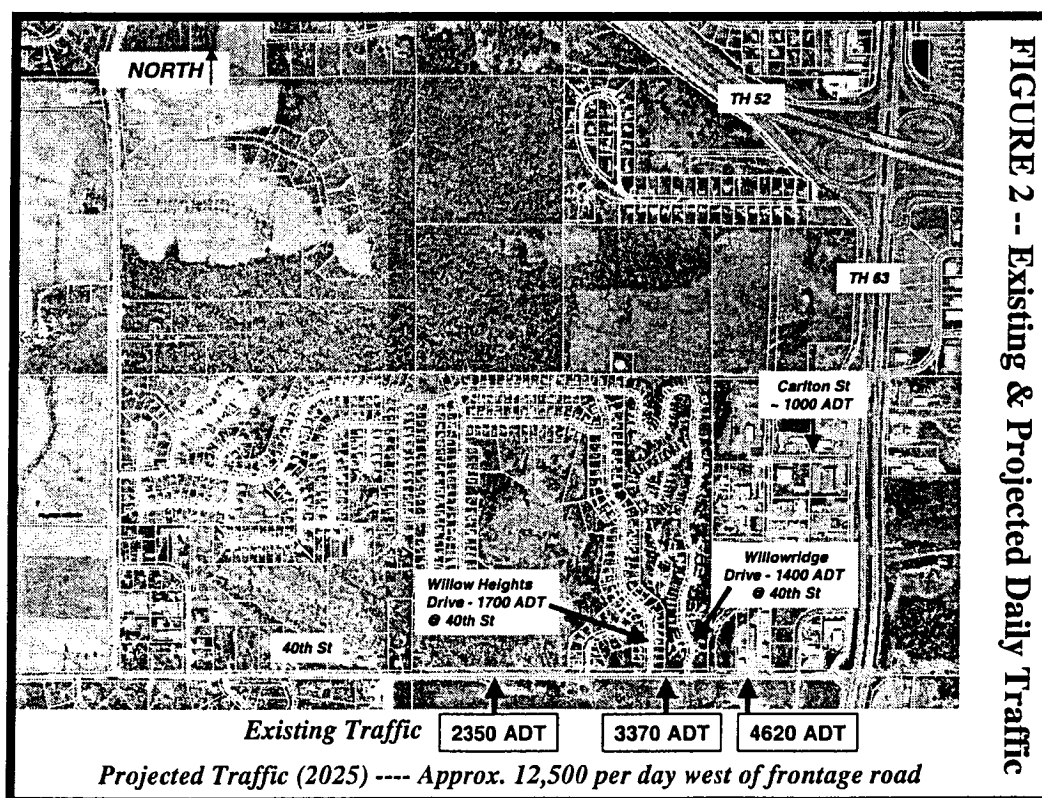
Area	Use	Acres	Daily Trips	PM Trips	IN	OUT	AM Trips	IN	OUT
H	Commercial	17.16	5287	641	365	276	833	400	433

- Trip Generation estimates based on trip generation 814, ITE Trip Generation Handbook, 6th edition



Daily Traffic Volumes

- The traffic flow map shows an existing average daily traffic of 29,100 on south TH 63 between 40th Street SW and the TH 63 / TH 52 interchange. The projected estimated traffic in the year 2025 is approximately 42,583 vehicles per day.
- The existing and projected daily traffic volumes on the nearby streets are shown in Figure 2



Existing Zoning

Table 3 summarizes the projected traffic from the residential area of site under the existing R-1 zoning

Table 3: Estimated Residential Trip Generation under current zoning

Area	Units	Acres	Daily Trips	PM Trips	IN	OUT	AM Trips	IN	OUT
(Single family	188 @ 2/acre	94.14	1800	145	36	109	192	123	69

- Trip Generation estimates based on trip generation 210, ITE Trip Generation Handbook, 6th edition

Street Design and Capacity

Streets in the nearby area that will be impacted by the increase in traffic from the proposed development include the following:

- Willow Heights Drive is a 36' roadway on 66' ROW and is considered a Major Local Street, whereon the acceptable range of daily traffic is approximately 2000 to 3000 vehicles per day.
- Willow Ridge Drive SW is 32' roadway on 66' Right of Way and is considered to be a local street and the acceptable range of daily traffic is 1500-2000 ADT.
- Currently, the West Frontage Road is serving as non-residential Local Street and proposed to become a Collector Street on The Long Range Thoroughfare Plan.
- Carlton Street is a non-residential street, currently with a 26' roadway on 66' ROW, and Enterprise Drive north of Carlton St., which also has a 66' ROW.

Review of the Key Traffic Issues

Level of Service

- Traffic operation was evaluated previously with higher trip generation to determine if the traffic impact from the proposed development would cause LOS at the intersection of 40th St with Willow Heights Drive drop below standards. Now with the new trip generation, the traffic impact from the proposed development will be nominal and the intersection will continue to operate at LOS "C".
- LOS analysis at the intersection of 40th St with Willow Ridge Drive SW was evaluated with lower trip generation previously. The traffic impact due to the development is going to be higher and the intersection is expected to operate at LOS below standards.
- Traffic operation was also evaluated at the intersection of Carlton Street and the West Frontage Road, to determine if the traffic impact from the proposed development would cause LOS at this intersection drop below standards.
- The proposed connection to the site through Willow Ridge Drive SW will drop the level of service below standard at the intersection of 40th St. At the moment this intersection is operating at LOS "C" and would continue to do so provided no new traffic is added to Willow Ridge Drive.
- It is expected that over time traffic on 40th St will grow significantly, to a level approaching 12,500 vehicles a day in the year 2025 when the area south of 40th St on both side of TH 63 fully develops with commercial and industrial uses.

- The proposed interchange at 40th St along with Frontage Road improvement and proposed upgrading of 40th St to four lanes with raised median and turn lanes will permit the LOS drop only to "C" which meets the standards of LDM.

Number of Access Points

The total daily traffic generated by the proposed development is expected to be 9100 ADT (see tables 1 & 2), of which the majority under the proposed plan will take access to the area from the West Frontage Road through the proposed Major Local Road along the north side of the development. Out of 9100 daily trips generated by the proposed development, 42% (3818 ADT) will be generated by the residential area and remaining 58% (5282 ADT) trips will be made by the commercial area.

Residential Development

- The major part of trips generated by residential areas D, E and G in the proposed GDP would likely use Willow Ridge Drive as a primary access from 40th St. It is estimated that potentially 33% of traffic generated by area D, 75% for E and 50% for G would take access via Willow Ridge Drive. It is estimated that up to 1180 daily trips in addition to the existing 1400 per day generated by the Willow Ridge Mobile Home Park will use Willow Ridge Drive to 40th St SW.
- Willow Ridge Drive is a local street and designed to handle a daily traffic load of 1500- to 2000 vehicle per day. With the proposed plan layout, it is estimated that total traffic on Willow Ridge Drive will approach 2600 ADT.
- The level of traffic impact of the development in area "A" on Willow Heights Drive out to 40th St will have a minor LOS affect on the intersection.

Commercial Development

- The GDP is proposing 5 access points to the Commercial Land Use on the east side of development off the west Frontage Road. The access locations as noted on the GDP are proposed to be located a minimum of 125' apart.
- The proposed commercial use is expected to generate roughly 5,000 daily trips and if all these trips are made off the Frontage Road through the proposed 5 access points, it may pose safety hazards for pedestrian, bicyclists and people with disabilities.
- One of the design objective under Section 64.144 of the LDM, is to ensure that the access provides for the safe crossing of pedestrian, bicyclists and the handicapped.
- Two other design objectives in section 64.144(2 & 6) of the LDM are relevant to review the proposed access points to Commercial Land Use on the east side of GDP. They are related to adequate stopping distance, intersection sight distance and access location in relation to driveways and street intersections.
- The spacing distance proposed in GDP is the absolute minimum the meets the acceptable standards such as AASHTO and the various TIR References. Most guidelines places desirable spacing at 200-250 feet based on Stopping Sight Distance and Decision Sight Distance.

Summary of Key Traffic Issue

The discussion in the previous section identified

1. Impact to Willow Ridge Drive from development of areas D, E and G on the proposed General Development Plan
2. Need to increase the spacing between the proposed access points serving the commercial area along the Frontage Road to provide adequate, not minimum, stopping and decision sight distance. Spacing between access points should be a 225'.

Possible Options to reduce Impact to Willow Ridge Drive

Alternative 1:

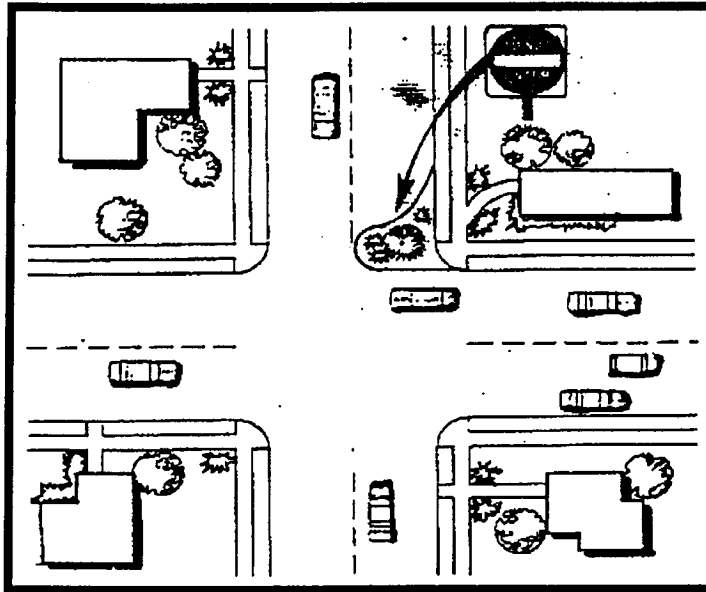
1. Enterprise Drive is not constructed between the southeast corner of the site and Carlton St. Since this land is off-site, a public improvement project would have to be initiated to facilitate construction of the roadway. The existing ROW of Enterprise Drive and Carlton Street is 66' suitable for Major Local Street or just a Local Street.
2. As shown in the figure 3, the proposed road on the southeast side of development (ROW 66') may be extended to connect Enterprise Drive, SW.
3. The proposed private street (ROW 50') connecting the site with Willow Ridge Drive may be narrowed down to private street standards (20' roadway width). It may be even taken out from the proposed GDP.

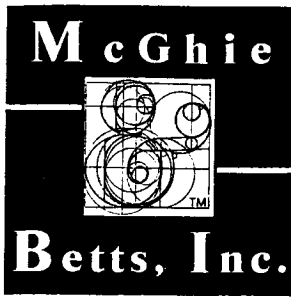


Alternative 2:

1. A second alternative is to consider some traffic calming options on the extension of Willow Ridge Drive. One option as illustrated in figure 4 would permits only inbound/northbound traffic.

Figure 4: Half Closure





174

Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

November 13, 2003

Ms. Mitzi Baker
Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Spring Brook Valley Subdivision

Dear Ms. Baker:

On behalf of our client, Tom Hansen, Copar Companies, we are submitting several map edits as discussed during our meeting on Monday, November 3, 2003. These edits include:

1. Relocation of the public park site to "Area F" I have spoken with Denny Stotz about this change and size. I will be forwarding an adobe print of the park to him today.
2. Changing the name of Frontage Road to "33rd Street S.W."
3. Removing the driveway access along 33rd Street and replacing it with the text- "Future access along 33rd Street and the 66' R.O.W. will be reviewed t the time of platting.
4. Lengthen the 20' private street connecting to Willow Ridge Drive. S.W. and labeling it a "one-way northward access only"
5. Changing the main 66' loop road on the southern half of the project to show a continuous curve not a "T" intersection to Willow Ridge Drive S.W.
6. Recalculating the acreages and density to adjust for roadway and parkland requirements.
7. The previous GDP map showed 509 total units. The amended GDP no has 490 total proposed units.

If you have any questions, please contact us.

Sincerely,
McGhie & Betts Inc.

Kristi L. Clarke

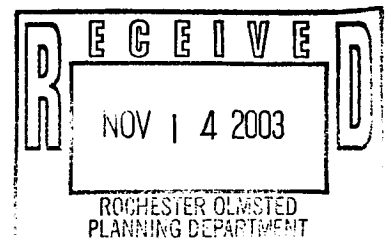
Kristi L. Clarke, AICP
Pc Tom Hansen, Copar Companies

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946



175

Spring Brook Valley

GENERAL DEVELOPMENT PLAN

The Spring Brook Valley General Development Plan is approximately 94.14 acres bounded by Barony Woods and Southtown Heights, Southtown Second, and Neills Replat on the north, unplatted property to the west, Willow Heights Second Subdivision, Willow Ridge and Willow Center Subdivision on the south, and various commercial properties along the Frontage road to the east.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

- a) *Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.*

Preliminary analysis of the soil conditions indicates the depth to bedrock will not be a concern when developing the property. Soil borings will be completed during the engineering phases to determine the exact subsurface conditions and the bedrock depth in the areas of construction. Steeper areas with higher erosion potential are being avoided as much as possible as indicated by the street alignments. Hydric soils as shown on the Olmsted County Soil Survey, and wetlands do exist on the property. The GDP indicates the approximate location of wetlands and it is the intent of the developer to do an actual surveyed delineation in the near future.

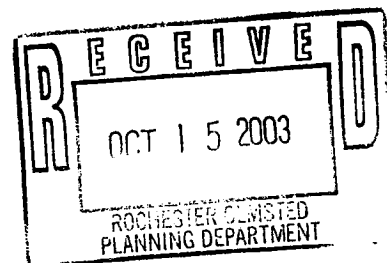
- b) *Storm drainage problems, which in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.*

The General Development Plan outlines seven small private storm detention ponds located along the stream or along natural drainageways. This will reduce the need for excessive piping to remove storm water flows to the natural low point of the site located in Area 'F' of the GDP. Section 'F' contains the largest storm detention pond and is located along the northern boundary of the site adjacent to a 40' drainage easement.

The storm drainage does not appear to cause problems that will result in the increase of normal storm drainage costs.

- c) *Identification of potential off-site drainage problems.*

The site will be served by on-site detention basins.



176

d) *Availability of utilities to serve the area under consideration.*

The development will connect to the existing watermain located within the Southtown Second Subdivision on the northern property boundary and then complete the loop to connect properties to the south of the GDP. The existing sewer trunkline that runs east and west along the center of the development will provide adequate sanitary sewer services of this development.

e) *Identification of possible erosion problems, which may arise in the estimation of the applicant.*

This site has moderate to very steep slopes, several delineated wetlands including a "Fen" and a stream flowing west to east in the site with a 30' corridor of wetlands. The wetlands and very steep slopes have all been excluded from this development as noted in the acreage assessments within the 'Areas'. An Environmental Assessment Worksheet will be filed soon after the GDP is completed. These sensitive areas will become the highlight of the project creating views from east to west along the stream. The western third of the site will remain undeveloped as shown on the GDP.

The R-2 low density residential zoning will allow greater flexibility in housing types and styles to reduce the grading impacts and possible erosion problems to the more steep sloped areas within the buildable portions of the site.

The phasing plan outlines development starting with the commercial land along the eastern property boundary and working westward will help reduce the potential for erosion problems. Developing smaller pods and not disrupting the entire site by building all of the proposed public streets at once will reduce the overall impact to the site within any one construction season.

Where development encroaches into areas that may have steeper slopes, erosion control measures will be incorporated into the grading plan final design.

f) *A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.*

The first phase of the development will be in the eastern portion of this GDP along the Frontage road. Future phases will occur from the eastern boundary westward developing the low-density residential pods.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01-05-04

177 -

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Amendment to the Arboretum Special District (SD#1) by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Special District. An amendment to the General Development Plan to designate the property for "commercial" uses is being considered concurrent with this petition. The property is located north of 41 st Street, east of Arboretum Drive NW.		PREPARED BY: Theresa Fogarty, Planner

December 29, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003 to consider a request by Cordul Establishment and Michael Younge to add approximately 3.08 acres to the Arboretum Special District (SE #1) zoning district.

Mr. Wade Dumond of Yaggy Colby Associates, addressed the Commission and stated that the applicant agrees with the staff-recommended conditions.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings.

Ms. Rivas moved to recommend approval of Zoning District Amendment to the Arboretum Special District (SD #1) by Cordul Establishment and Michael Younge with the staff-Recommended findings. Mr. Burke seconded the motion. The motion carried 9-0.

Planning Department Recommendation:

See attached staff report dated December 5, 2003.

Council Action Needed:

- 1. The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the staff report. If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law.***

Attachments:

1. Staff Report dated December 5, 2003.
2. Minutes of the December 10, 2003 CPZC Meeting.

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-268-4444
FAX 507-268-5058
EMAIL INFO@AGCC.COM

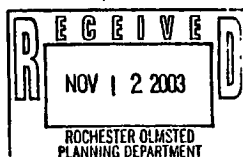
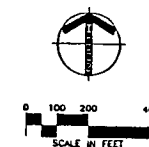
I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

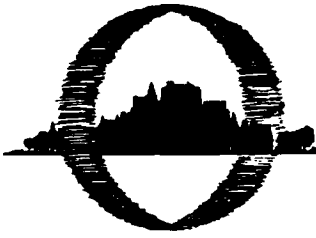
NUMBER _____ DATE _____

IRET PROPERTY
ROCHESTER, MINNESOTA
ZONE CHANGE

PROJECT
NUMBER
COMPUTER
FILE B16
DATE 11-12-03
DRAWN BY MWE
CHECKED BY WDC
REVISED

OF ONE





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 5, 2003

RE: Amendment to the Arboretum Special District (SD#1) by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Special District. An amendment to the General Development Plan to designate the property for "commercial" uses is being considered concurrent with this petition. The property is located north of 41st Street, east of Arboretum Drive NW.

Planning Department Review:

Petitioner:	Michael Younge 2410 Gates Drive SW Rochester, MN 55902
Consultant:	Yaggy Colby Associates 717 3rd Avenue SE Rochester, MN 55904
Location of Property:	The property is located north of 41 st Street NW, east of Arboretum Drive NW.
Requested Action:	The applicant requests 3.08 acres of land be rezoned from R-3 (Medium Density Residential) to the Arboretum Special District (SD #1).
Existing Land Use:	The property is undeveloped land.
Proposed Land Use:	An amendment to the Arboretum General Development Plan to designate the property for "commercial" use is being considered concurrent with this application.
Adjacent Land Use and Zoning:	North: Single family residential, known as Lincolnshire 6 th Subdivision located within the Arboretum Special District (SD #1) on the City of Rochester Zoning Map.





**Adjacent Land Use and
Zoning (Continued):**

South: IBM, open space, zoned M-1 (Mixed Commercial Industrial) on the City of Rochester Zoning Map.

West: Trailridge residential apartments, zoned R-3 (Medium Density Residential) on the City of Rochester Zoning Map.

East: Commercial development located within the Arboretum Special District (SD #1) on the City of Rochester Zoning Map.

Transportation Access:

Access to this site would be from 41st Street NW.

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Wetlands:

A Wetland delineation is on file with the Planning Department and a No-Loss Exemption, or Replacement Plan has been submitted to the Planning Department. A wetland found on the northwest edge of the property that is less than 2000 square feet in area is exempt as reference in file #99-19.

Referral Comments:

1. Rochester Public Works Department

Report Attachments:

1. Proposed Zoning Map / Location Map
2. Referral Comments (1 letter)
3. Neighborhood Meeting notes

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

181

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - D) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. Land Use designations within this area may be considered "Commercial" within the Arboretum Special District with "medium density residential" as the underlying land use. Rezoning this property to the Arboretum Special District is consistent with the land use plan and would serve to better further the policies and goals of the Comprehensive Plan and Housing Plan. Rezoning the property and adding the property to the Arboretum Special District as a commercial use promotes the development of commercial uses. In addition, it is in the public interest to rezone the property to encourage development of the area that will help meet the needs of the community.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
 - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

The Arboretum Special District zoning will be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

The proposed amendment does not involve spot zoning since it is consistent with the policies of the Comprehensive Plan.

Staff Recommendation:

Based on the above-mentioned findings, it would appear that this zoning district amendment would meet the above criteria.

182 ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application to Amend the Arboretum Special District #1 and Arboretum GDP#83. The following are Public Works comments on this request:

1. Development of this property will require platting.
2. A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proposed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City, for the entire Property, that outlines the obligations of the applicant relating to, but not limited to stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties & contributions for public infrastructure.
3. Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.
4. Grading & Drainage Plan approval is required for future development on this Property.
5. The proposed "Public or Private" access road to 41st St NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st St NW will be required through the platting process.
6. The proposed access to 41st St NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st ST NW.

ROCHESTER

— Minnesota —

183

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. The Owner is obligated to provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting 31st Ave NW and 41st St NW.
8. A new TIR may be required to address the proposed land use change from residential to commercial uses.
9. Specific routing of public utilities will be addressed during the platting process.
10. A separate surety in an amount and form approved by the City Engineer, will be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.

Note: The area of this Property platted as Lot 2, Block 1, Trailridge @ 41st by IRET has previously been charged for all development related charges with the exception of Storm Water Management. The remainder of the Property is subject to development charges and fees that will be addressed in the Development Agreement, and will include, but not be limited to the following (rates are subject to annual review and change and are current through 7/31/04).

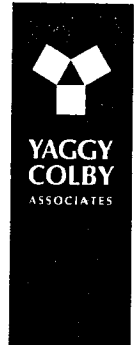
- ❖ J9349 for Sub-trunkline Sanitary Sewer in 41st St NW @ \$828.50 per developable acre, + 7.5% interest from 11/18/96
- ❖ Water Availability Charge (WAC) @ \$1851.12 per developable acre
- ❖ Storm Water Management Charge, for the benefit of participation in the City's Storm Water Management Plan (SWMP) - TBD at the time of individual parcel development.
- ❖ First Seal Coat @ \$0.51 per sq. yd. Of public street surface.
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division.

184

ENGINEERS

ARCHITECTS

SURVEYORS



LANDSCAPE ARCHITECTS

PLANNERS

December 1, 2003

Mr. Brent Svenby
Rochester-Olmsted Planning Department
2122 Campus Drive SE
Rochester, MN 55904

**RE: Summary – Neighborhood Meeting
IRET/Cordul Property, 41st Street NW**

Dear Brent:

A neighborhood meeting was held November 25, 2003 at Carlos O'Kelly's Mexican Cafe regarding the IRET/Cordul properties and the proposed R-3 zone change to the Arboretum Special District and General Development Plan. The meeting had been planned elsewhere but was moved to the café as the doors were locked in the planned location. 13 neighbors were in attendance (please see attached sign-in sheet). The layout, zone change area, and the future use of the property were discussed, as well as individual neighbor concerns.

The zone change from an R-3 zoning to a special district, commercial designation was not received well. The neighbors in attendance, from the Lincolnshire neighborhood, were concerned with the potential future use of the commercial property, and wanted to keep the IRET property zoned R-3 to discourage any commercial use at the corner of Arboretum Drive and 41st Street NW. They might be in support of the rezoning depending upon the use type, size, and style of architecture proposed for a commercial development. Another concern was if the entire area became commercial, a larger building could be constructed. A couple neighbors were concerned with the light that could be generated by a commercial use as they felt there were already problems on the commercial development to the east allowing light to shine into their yards and homes.

Questions regarding traffic calming were also brought up and the existing city policy of neighbors paying for the cost of traffic calming was discussed, other than costs that are directly attributed to the commercial traffic increase.

If you have any questions or concerns, please call.

Sincerely,

YAGGY COLBY ASSOCIATES

Wade DuMond

Wade DuMond, ASLA

WD
YCA #8163 LD2

Attachment

ROCHESTER OFFICE:

717 Third Avenue SE
Rochester, MN 55904

507-288-6464

Fax 507-288-5058

MPLS/ST PAUL OFFICE:

651-681-9040

MASON CITY OFFICE:

641-424-6344

DELAFIELD OFFICE:

262-646-6855

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185



ENGINEERS
ARCHITECTS
SURVEYORS
LANDSCAPE
ARCHITECTS
PLANNERS

PROJECT # 8163 LD 2
PROJECT Cordul / IRET Commercial
PREPARED BY _____ DATE 11/25/03
CHECKED BY _____ DATE _____
SHEET NO. _____ OF _____

Name	Address	Phone
DICK JONES } JEANNE JONES }	4218 ARBORETUM	287-6333
SCOTT BURN	3418 42 ND ST NW	292-9026
DAVE BIRKA	3511 42 ND ST NW	282-4582
SARA VANDERKIEF } JAREN VANDERKIEF }	3550 4 TH ST NW	292-0614
BRIAN BARTHOLMEY	3442 42 ND ST NW	292-0841
MERCY JOHNSON	3448 42 ND ST NW	288-4880
NEIL STILLER	3314 OXFORD LN	252-2628
DAVE BOITCHER	3206 WEMBLEY LN	280-0343
RUSS STAMMER	3645 ARBOR DR NW	285-5426
DAN HOFFMAN	4207 ARBOR LANE NW	280-0696
KENT MILLIGAN	4212 YORK LN NW	280-7927

City/Owner Contract

6. Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP.

Ms. Petersson moved to recommend approval of Incentive Development Conditional Use Permit #03-60 by Volunteers of America with the staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 9-0.

CONDITIONS:

1. Prior to the submittal of the Final Plan, the property shall be replatted to create a lot which will meet the zoning district standards for the proposed use.
2. The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a City/Owner Contract.
3. The Final Development Plan application shall include:
 - Building elevations that identify dimensions, building materials and colors;
 - Details for exterior lighting on the building;
 - Detailed landscaping plan including plant materials;
 - A sign plan, if signs will be proposed;
 - Grading plan;
 - Updated site capacity calculation based on the new lot.

* Amendment to the Arboretum Special District (SD #1) and the Arboretum General Development Plan (#83), by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Special District, and amend the General Development Plan to designate the property for "commercial" uses. The applicant is also requesting approval for a Substantial Land Alteration permit to change grades on the site by 10 feet or more. The property is located north of 41st Street, east of Arboretum Drive.

Mr. Brent Svenby presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Wade DuMond, of Yaggy Colby Associates, addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions. He stated that there was a neighbor in the audience that asked him about the substantial land alteration. The cut slope close to the Lincolnshire residents would be a 15 foot cut (3:1 slope). There is potential that it could be moved further out so that a berm could be put on top of the hill. However, they would have to figure out how to balance the site.

Ms. Rivas asked what the bufferyard width would be.

Mr. DuMond responded 100 feet.

187-

Mr. John Horvath, of 3526 42nd Street NW, Rochester MN, addressed the Commission. He stated that he would like the berm moved. Also, he does not want the cottonwoods removed in front of his site which provides protection.

Mr. DuMond asked how far away from the property line the trees were.

Mr. Horvath responded approximately 20 to 50 feet.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Rivas moved to recommend approval of Amendment to the Arboretum Special District (SD #1), by Cordul Establishment and Michael Younge with the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 9-0.

Ms. Rivas moved to recommend approval Amendment to the Arboretum General Development Plan (#83), by Cordul Establishment and Michael Younge with the staff-recommended findings and conditions. Mr. Burke seconded the motion. The motion carried 9-0.

CONDITIONS:

1. Development of this property shall required platting.
2. The water mains must be extended to adjacent properties, per Rochester Public Utilities requirements. Specific routing of public utilities will be addressed during the platting process.
3. The Owner shall provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting Arboretum Drive NW and 41st Street NW.
4. The proposed access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.
5. The proposed access to 41st Street NW shall be a private drive, and based on the trip generation from the site, modification may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st Street NW. A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.
6. A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proposed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for the entire Property, that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties and contributions for public infrastructure.

7. Grading and Drainage Plan approved is required for future development on this Property.
8. Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.
9. A separate surety in an amount and form approved by the City Engineer, shall be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.

Ms. Rivas moved to recommend approval of the Substantial Land Alteration permit by Mark Leitzen with the staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 9-0.

Land Use Plan Amendment #03-07, Zoning District Amendment #03-24, and General Development Plan #221, by Mark Leitzen. The applicant is proposing to Amend the Rochester Urban Service Area Land Use Plan to designate property "commercial" and "industrial" uses and to zone approximately 10.87 acres of the property B-4 (General Commercial) and 44.10 acres M-1 (Mixed Commercial-Industrial). The General Development Plan identifies future roadways and lot configurations. The property includes approximately 55 acres of land located south of the Southport development, west of C.R. 1 and north of TH 52 S.

Ms. Wiesner opened the public hearing.

Ms. Wiesner moved to continue Land Use Plan Amendment #03-07, Zoning District Amendment #03-24, and General Development Plan #221, by Mark Leitzen to January 14, 2004. Mr. Ohly seconded the motion. The motion carried 9-0.

Text Amendment #03-09 to amend Section 60.175 regarding Fees of the Rochester Planning and Zoning Ordinance and Land Development Manual. This amendment will adjust fees pertaining to zoning permits and development applications beginning in 2004. Copies of the proposed fee schedule are available at the office of the Rochester Olmsted Planning Department, 2122 Campus Dr. SE, Suite 100, Rochester, Minnesota.

Mr. Philip H. Wheeler presented the staff report, dated December 2, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Wheeler explained that, compared to what was already approved, lots would only go up \$11.00 per lot.

Mr. Wheeler stated that the reasoning for the amendment is purely financial. He explained what the Rochester-Olmsted Planning Department's levy support was over the years.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01-05-04

189

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Amendment to General Development Plan #83, known as the Arboretum by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Arboretum Special District (SD#1) and amend the General Development Plan to designate the property for "commercial" uses. The applicant is also requesting a Substantial Land Alteration permit to change grades on the site by 10 feet or more. The property is located north of 41 st Street NW, east of Arboretum Drive NW.		PREPARED BY: Theresa Fogarty, Planner

December 29, 2003

NOTE: See CPZC minutes from previous Special District Amendment request.

City Planning and Zoning Commission Recommendation:

On December 10, 2003, the City Planning and Zoning Commission reviewed this amendment to General Development Plan #83 known as the Arboretum.

The applicants representative, Mr. Wade Dumond of Yaggy Colby Associates, addressed the Commission and stated that the applicant was in agreement with the staff-recommended conditions.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Ms. Rivas moved to recommend approval of amendment to General Development Plan #83, known as Arboretum by Cordul Establishment and Michael Younge, with the staff-suggested findings and conditions. Mr. Burke seconded the motion. The motion carried 9-0.

Conditions:

1. *Development of this property shall required platting.*
2. *The water mains must be extended to adjacent properties, per Rochester Public Utilities requirements. Specific routing of public utilities will be addressed during the platting process.*
3. *The Owner shall provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting Arboretum Drive NW and 41st Street NW.*
4. *The proposed access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.*
5. *The proposed access to 41st Street NW shall be a private drive, and based on the trip generation from the site, modification may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st Street NW. A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.*
6. *A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proosed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for the entire Property, that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties and contributions for public infrastructure.*

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

7. *Grading and Drainage Plan approved is required for future development on this Property.*
8. *Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.*
9. *A separate surety in an amount and form approved by the City Engineer, shall be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.*

Planning Staff Recommendation:

See attached staff report dated December 5, 2003.

Council Action Needed:

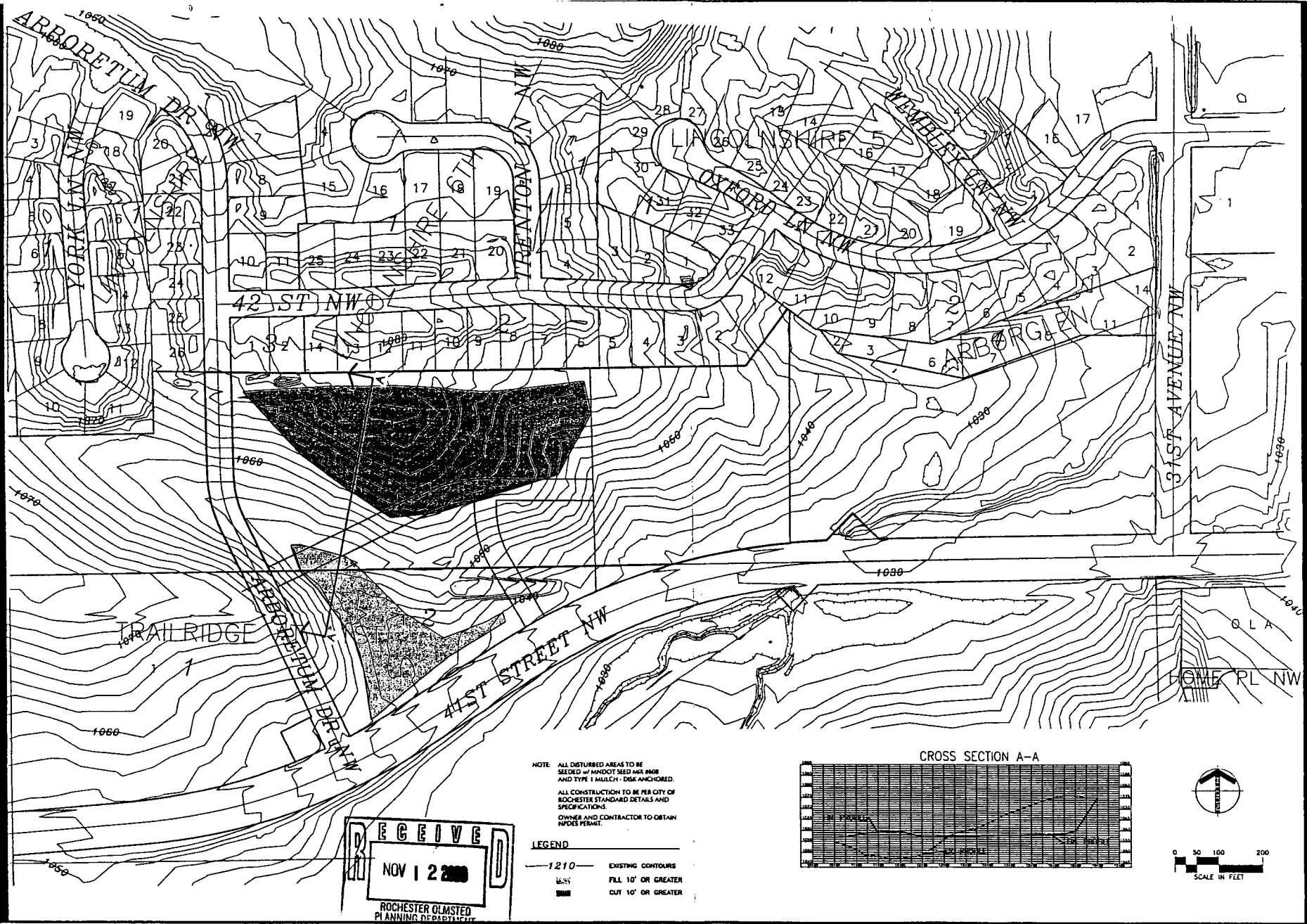
1. *The Council may approve, approve with conditions, or deny the amended general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.*
2. *If the Council wishes to proceed with the amended general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.*
3. *The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.*

Attachments:

1. Staff Report dated December 5, 2003.
2. Minutes of December 10, 2003 CPZC Meeting.

Distribution:

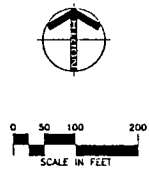
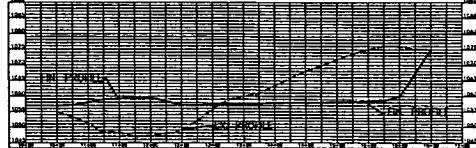
1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 5, 2004 in the Council / Board Chambers in the Government Center at 151 4th Street SE.
6. Yaggy Colby Associates



NOTE: ALL DISTURBED AREAS TO BE SEEDS w/ MANDOT SEED MIX #808 AND TYPE 1 MULCH - DISK ANCHORED. ALL CONSTRUCTION TO BE PER CITY OF ROCHESTER STANDARD DETAILS AND SPECIFICATIONS. OWNER AND CONTRACTOR TO OBTAIN NPDES PERMIT.

LEGEND
 - 1210 - EXISTING CONTOURS
 [Symbol] FILL 10' OR GREATER
 [Symbol] CUT 10' OR GREATER

CROSS SECTION A-A



RECEIVED
 NOV 12 2003
 ROCHESTER OLNSTED
 PLANNING DEPARTMENT



ENGINEERS • ARCHITECTS
 SURVEYORS • PLANNERS
 LANDSCAPE ARCHITECTS
 717 THIRD AVENUE SOUTHEAST
 ROCHESTER, MINNESOTA 55904
 507-288-8444
 FAX 507-288-5018
 EMAIL: INFO@YAGGYCOLBY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NUMBER _____ DATE _____

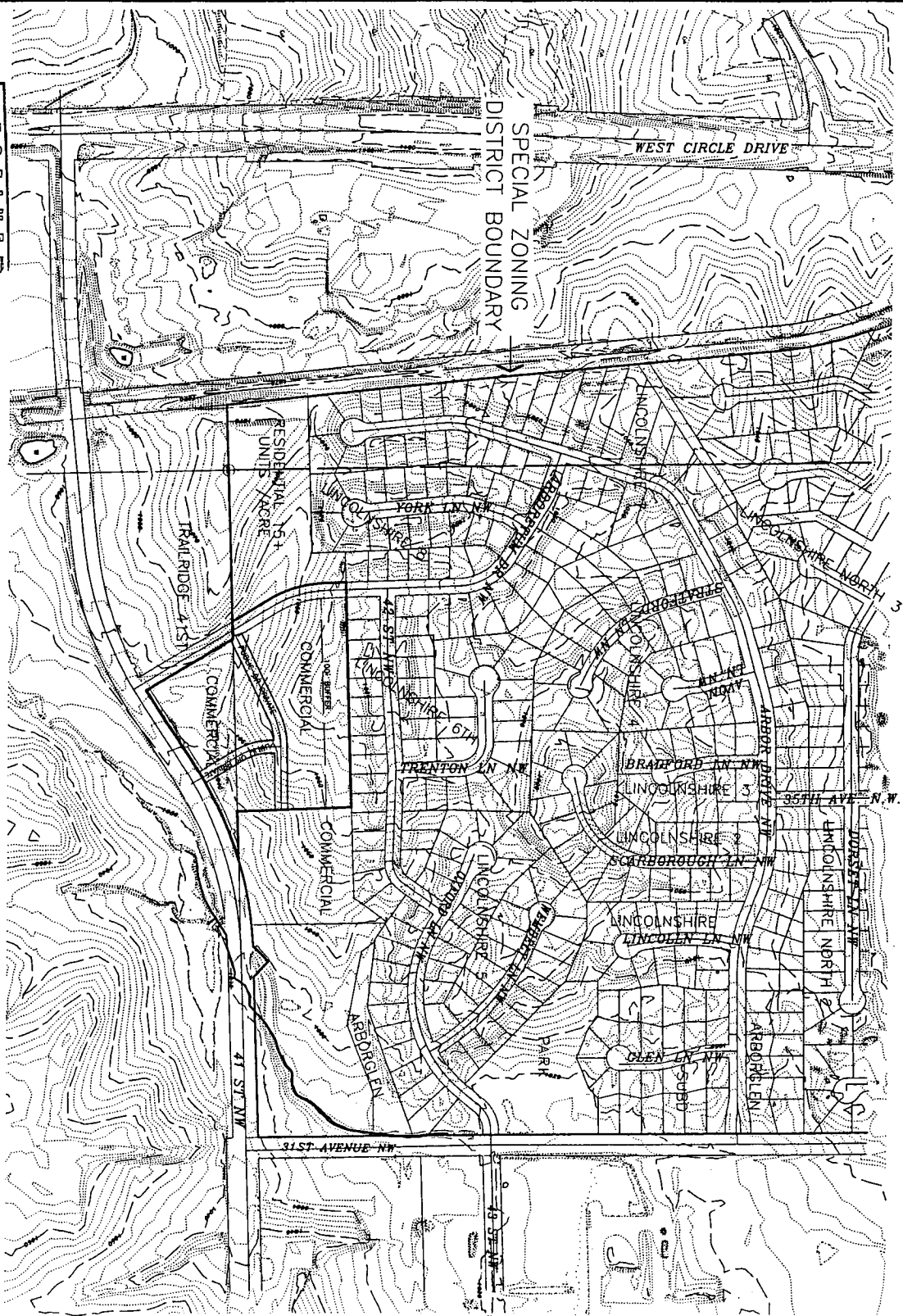
CORDUL/RET PROPERTIES
 ROCHESTER, MINNESOTA
SUBSTANTIAL LAND ALTERATION

PROJECT NUMBER 9163
 COMPUTER FILE B AC
 DATE 11/12/03
 DRAWN BY MWE
 CHECKED BY WCD
 REVISIONS

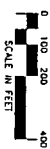
SHEET NUMBER
 1
 OF ONE SHEETS

191

RECEIVED
 NOV 12 2003
 ROCHESTER DISTRICT
 PLANNING DEPARTMENT



PLEASE SEE CITY OF ROCHESTER ZONING ORDINANCE FOR
 ALLOTTED LOT SIZES, DISTRICTS, PRESENT AND LAND USES.



THE ARBORETUM ROCHESTER, MINNESOTA --- GENERAL DEVELOPMENT PLAN

PROJECT	NO. 0153	SHEET	1
DATE	11-17-03	DRAWN BY	WJC
CHECKED BY	WJC	SCALE	AS SHOWN

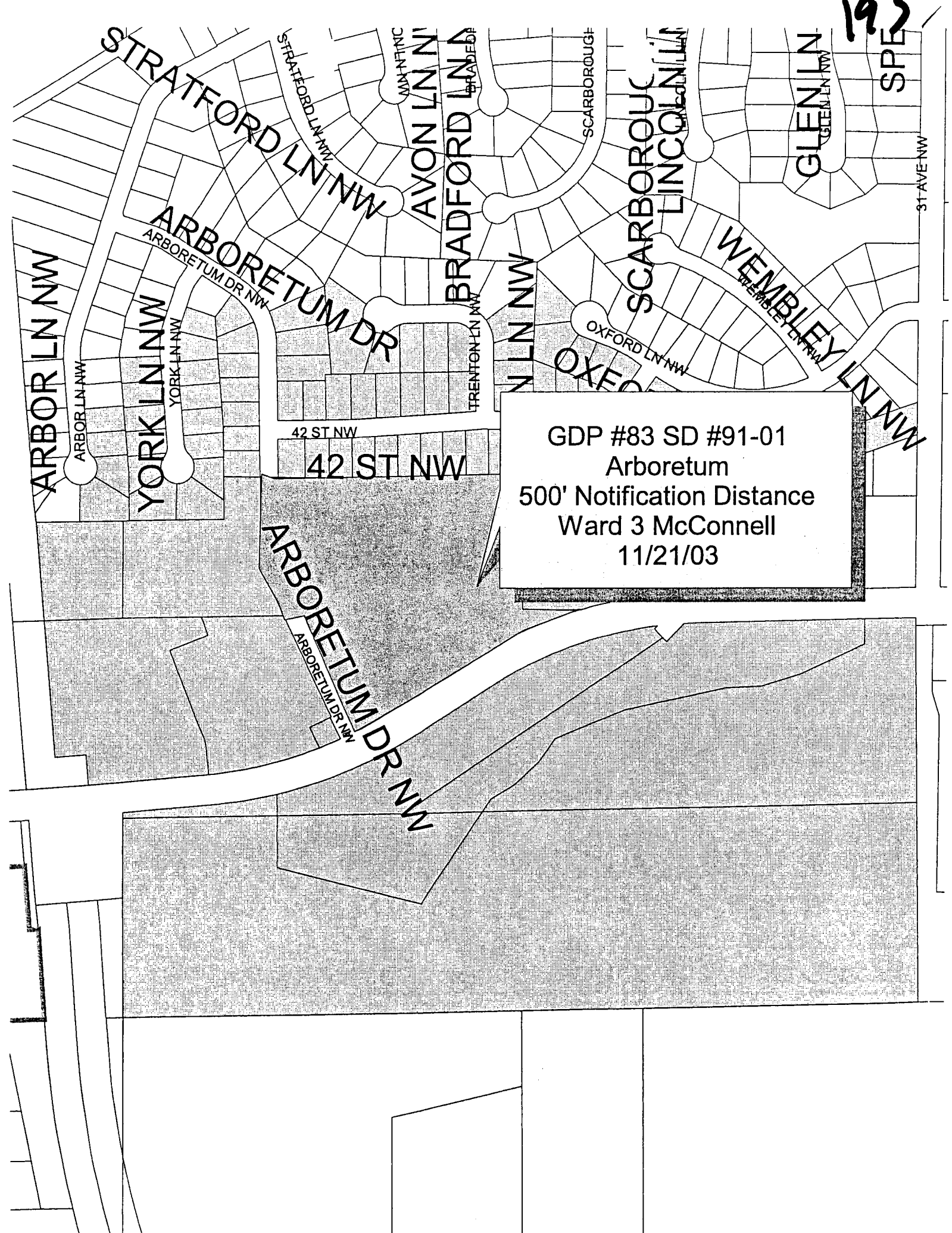
WOLF DICKSON
 OWNER

YAGGY COLBY ASSOCIATES
 ENGINEERS - ARCHITECTS
 LANDSCAPE ARCHITECTS
 217 THIRD AVENUE SOUTH
 SUITE 200
 MINNEAPOLIS, MN 55401
 TEL: 612.338.8800
 FAX: 612.338.8801
 EMAIL: YAGGY@YAGGYCOLBY.COM

THE INFORMATION ON THIS PLAN WAS
 PREPARED BY THE ARCHITECTS AND
 ENGINEERS AND IS NOT TO BE USED
 FOR ANY OTHER PURPOSE WITHOUT THE
 WRITTEN CONSENT OF THE ARCHITECTS
 AND ENGINEERS.



193



GDP #83 SD #91-01
Arboretum
500' Notification Distance
Ward 3 McConnell
11/21/03

194



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 5, 2003

RE: Amendment to General Development Plan #83, known as the Arboretum by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Arboretum Special District (SD#1) and amend the General Development Plan to designate the property for "commercial" uses. The applicant is also requesting a Substantial Land Alteration permit to change grades on the site by 10 feet or more. The property is located north of 41st Street NW, east of Arboretum Drive NW.

Planning Department Review:

Applicant/Owner:

Michael Younge
2410 Gates Drive SW
Rochester, MN 55902

Consultants:

Yaggy Colby Associates
717 3rd Avenue SE
Rochester, MN 55904

Size and Location:

The property is located north of 41st Street NW, east of Arboretum Drive NW and includes approximately 3.08 acres of land.

Existing Land Use:

The site is presently undeveloped.

Proposed Use:

Future commercial development.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan designates a portion of this property as suitable for "low density residential" and "medium density residential" as the underlying uses located within the Arboretum Special District (SD #1).

Zoning:

A portion of this property is currently located within the Arboretum Special District (SD #1). The applicant has petitioned to amend the southern portion (approximately 3.08) to the Arboretum Special District (SD #1). The southern portion of the GDP is currently zoned R-3 (Medium Density Residential).



Roadways:

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation form the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Pedestrian Facilities:

In accordance with current City policy, the Owner is obligated to provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting 31st Avenue NW and 41st Street NW.

Drainage:

Grading and Drainage Plan approval is required for future development on this property.

Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this property.

Wetlands:

A Wetland delineation is on file with the Planning Department and a No-Loss Exemption, or Replacement Plan has been submitted to the Planning Department. A wetland found on the northwest edge of the property that is less than 2000 square feet in area is exempt as reference in file #99-19.

Public Utilities:

This property is within both the Main Level Water System Area, which is available along the entire south side and the Intermediate Level Water System Area, which is available within Arboretum Drive NW. Networking for this area from either or both of these systems is required to provide adequate flows for fire protection and water quality.

196

- Public Utilities (Continued):** The water mains must be extended to adjacent properties per our Rochester Public Utilities specifications. Specific routing of public utilities shall be addressed during the platting process.
- Parkland Dedication:** The property will not be used for residential development, therefore there are no parkland dedication requirements.
- Referral Comments:**
1. Rochester Public Works Department
 2. Planning Department – Wetlands staff
 3. Rochester Public Utilities – Water Division
- Report Attachments:**
1. Copy of General Development Plan
 2. Location Map
 3. Referral Comments (3)
 4. Memo from Yaggy Colby dated November 12, 2003.
 5. Copy of Substantial Land Alternation Map

Summary:

The applicant has petitioned to amend the southern portion (approximately 3.08) to the Arboretum Special District (SD #1) .

The applicant is proposing to amend the GDP for adding approximately 3.08 acres into the Arboretum Special District (SD #1) to accommodate commercial development.

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999.

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

Land uses within the amended GDP would be uniform with the underlying "medium density residential" land use designation for the property, which is located within the Arboretum Special District (SD #1).

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

Development of this property will require platting. Lot sizes, density, access and circulation will be considered during the platting process.

197

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

Not applicable.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Development of this property will require platting.

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

198

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Development of this property will require platting.

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Specific routing of public utilities shall be addressed during the platting process.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

A 5 foot wide concrete sidewalk is required along the entire frontages of the property abutting 31st Avenue NW and 41st Street NW.

Storm Water Management must be provided for any future development and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this property.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Storm Water Management must be provided for any future development and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this property.

Grading and Drainage Plan approved is required for future development on this property.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

Development of this property will be reviewed through the platting process.

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, 2.a.1 of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as amending a General Development Plan, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

This development includes a proposal to change the grade in excess of a 10 foot vertical cut/fill from the pre-existing grades. The area where the grade is proposed to be changed, is located within the northern portion and southwestern portion of the GDP.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:



62.1105

- 1) The activity should not result in danger to life or property. The street slopes on the site will be a maximum of 8% or less. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All cut material will be used on-site, therefore it will not be necessary to haul fill from the site. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All excess material will be used on the site. It will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for commercial development.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the Arboretum Special Zoning District.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed within two phases during 2005 & 2006.
- 8) The grading will be completed within two phases during 2005 & 2006. There is residential development to the west that will be visually affected by the grading activity for only a short time during the grading process. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.
- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed within two phases during 2005 & 2006. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.

201

- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Staff Recommendation:

Staff recommends the following conditions or modifications to assure compliance with the Rochester Zoning Ordinance and Land Development Manual and applicable criteria:

- 1. Development of this property shall required platting.***
- 2. The water mains must be extended to adjacent properties, per Rochester Public Utilities requirements. Specific routing of public utilities will be addressed during the platting process.***
- 3. The Owner shall provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting Arboretum Drive NW and 41st Street NW.***
- 4. The proposed access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.***
- 5. The proposed access to 41st Street NW shall be a private drive, and based on the trip generation from the site, modification may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st Street NW. A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.***

202

6. *A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proosed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for the entire Property, that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties and contributions for public infrastructure.*
7. *Grading and Drainage Plan approved is required for future development on this Property.*
8. *Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.*
9. *A separate surety in an amount and form approved by the City Engineer, shall be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.*

23

Criteria for Approval of a General Development Plan

In approving a General Development Plan, the Council shall make each of the following findings:

- A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.
 - B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.
 - C. The mix of housing is consistent with adopted Land Use and Housing Plans.
 - D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.
 - E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
- 3. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.
 - 4. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.
 - 3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

204

- F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.
- G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

205

Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
 - a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
 - b) Stormwater management facilities or other public infrastructure approved by the City.
 - c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
 - d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
 - e) On-going cemetery (burial) operations.
 - f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
 - g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;

- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;
 - 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
 - 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
 - 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
 - 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
 - 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
 - 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
 - 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
 - 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
 - 13) Permanent and interim erosion and sediment control plans have been approved by the City;
 - 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
 - 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 Standards for Conditional Uses: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
- 1) Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.

267

- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

61.147 Conditions on Approval: In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.



ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application to Amend the Arboretum Special District #1 and Arboretum GDP#83. The following are Public Works comments on this request:

1. Development of this property will require platting.
2. A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proposed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City, for the entire Property, that outlines the obligations of the applicant relating to, but not limited to stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties & contributions for public infrastructure.
3. Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.
4. Grading & Drainage Plan approval is required for future development on this Property.
5. The proposed "Public or Private" access road to 41st St NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st St NW will be required through the platting process.
6. The proposed access to 41st St NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st ST NW.

201

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. The Owner is obligated to provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting 31st Ave NW and 41st St NW.
8. A new TIR may be required to address the proposed land use change from residential to commercial uses.
9. Specific routing of public utilities will be addressed during the platting process.
10. A separate surety in an amount and form approved by the City Engineer, will be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.

Note: The area of this Property platted as Lot 2, Block 1, Trailridge @ 41st by IRET has previously been charged for all development related charges with the exception of Storm Water Management. The remainder of the Property is subject to development charges and fees that will be addressed in the Development Agreement, and will include, but not be limited to the following (rates are subject to annual review and change and are current through 7/31/04).

- ❖ J9349 for Sub-trunkline Sanitary Sewer in 41st St NW @ \$828.50 per developable acre, + 7.5% interest from 11/18/96
- ❖ Water Availability Charge (WAC) @ \$1851.12 per developable acre
- ❖ Storm Water Management Charge, for the benefit of participation in the City's Storm Water Management Plan (SWMP) - TBD at the time of individual parcel development.
- ❖ First Seal Coat @ \$0.51 per sq. yd. Of public street surface.
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division.

210

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Arboretum GDP 83 and Special District

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☒ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

A wetland found on the northwest edge of the property that is less than 2000 square feet in area this exempt. See file #99-19.



we pledge. we deliver

211

November 25, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Amendment to the Arboretum Special District #1 and the Arboretum General Development Plan #83 by Cordul Establishment and Michael Younge to add 3.08 acres of land to the Special District, and amend the GDP to designate the property for commercial uses. Also the applicant is requesting approval of a Substantial Land Alteration permit to change the grades on the site by 10' or more. The property is located along the north side of 41st St. NW and east of Arboretum Dr. NW.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. This property is within both the Main Level Water System Area, which is available along the entire south side and the Intermediate Level Water System Area, which is available within Arboretum Dr. NW.
2. Static water pressures from the Main Level System would range from the mid 40's to the low 60's PSI depending on final grades. The static pressure from the Intermediate Level System would be approximately 74 PSI at elevation 1060.
3. Networking of this area from either or both of these systems is required to provide adequate flows for fire protection and water quality.
4. The water mains must be extended to adjacent properties per our requirements.
5. We will need to work closely with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Yaggy Colby Associates
Michael Younge

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

2/2

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1-05-04

23

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: Incentive Development Conditional Use Permit #03-60 by Volunteers of America. The applicant is proposing to develop a 4 story congregate housing building with 200 units on their property. The location of the building is just east and south of the detention pond on the property. The property is located along the north side of 55 th Street NW and along the west side of 18 th Avenue NW.		PREPARED BY: Brent Svenby, Planner

December 22, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003 to consider this application.

The Planning Commission recommends approval subject to the following conditions:

- 1. Prior to the submittal of the Final Plan, the property shall be replatted to create a lot, which will meet the zoning district standards for the proposed use.*
- 2. The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a City/Owner Contract.*
- 3. The Final Development Plan application shall include:*
 - Building elevations that identify dimensions, building materials and colors;*
 - Details for exterior lighting on the building;*
 - Detailed landscaping plan including plant materials;*
 - A sign plan, if signs will be proposed;*
 - Grading plan;*
 - Updated site capacity calculation based on the new lot.*

Ms. Petersson moved to recommend approval of Type III, Phase II Incentive Development Preliminary Plan #03-60 by Volunteers of America with the staff recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 9-0.

Planning Department Recommendation:

See attached staff report dated December 4, 2003.

Council Action Needed:

- 1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution approving, approving with conditions, or denying this request based upon the criteria included in the staff report.*

Attachments:

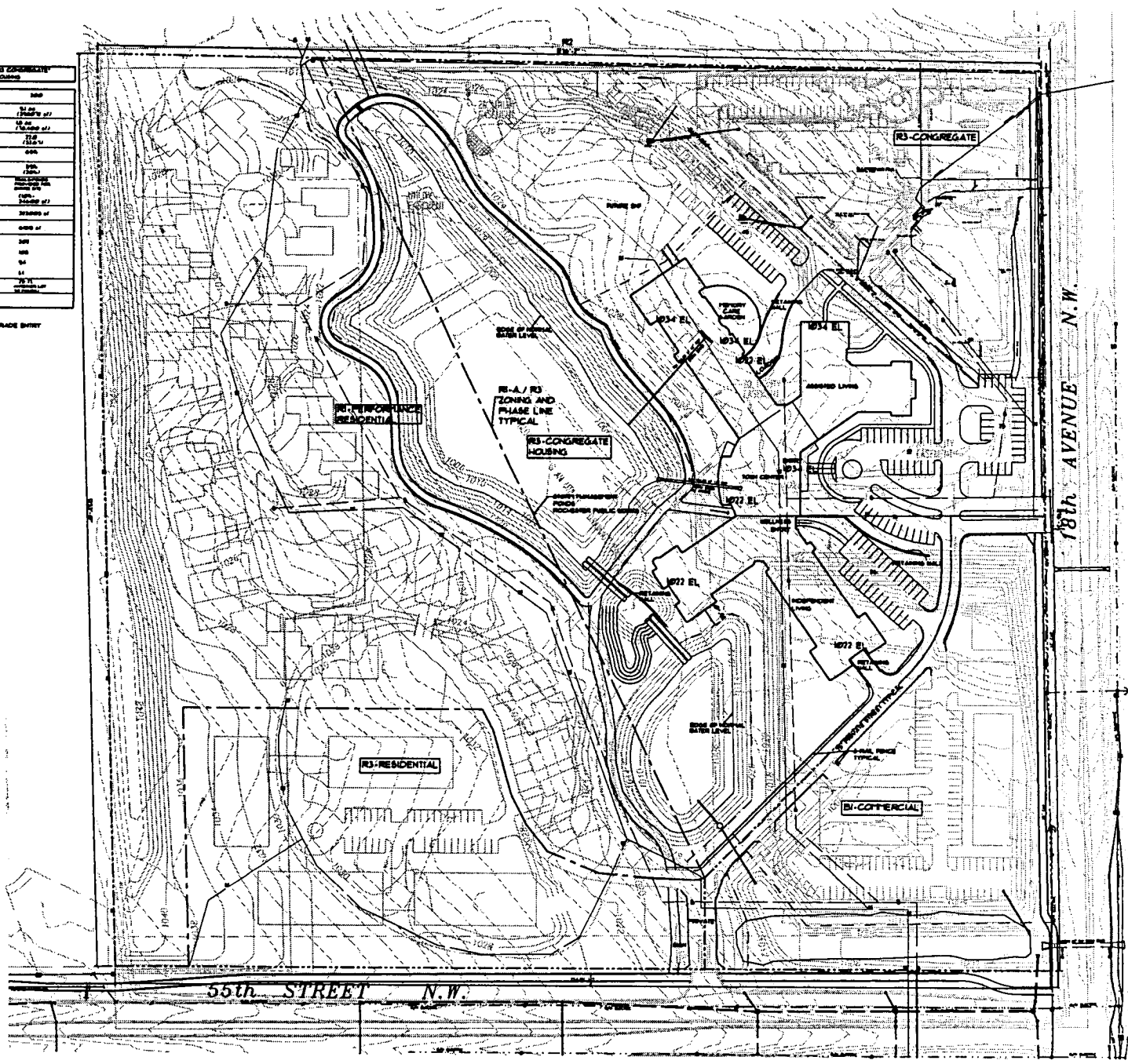
1. Staff Report dated December 4, 2003.
2. Minutes of the December 10, 2003 CPZC Meeting.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

214

EXISTING USE	RS-CONGREGATE HOUSING
NUMBER OF UNITS	100
SITE AREA	51.25 (1.567E 27)
POND AREA	10.00 (1.567E 27)
LAND ALSO ON SITE / (ALLOTTED)	11.00 (1.567E 27)
PAVE	50%
LANDSCAPE (TYP. POND) / (POND)	10%
RECREATION REQUIRED	10%
BUILDING AREA	20,000 sf
PAVED AREA	4,000 sf
PARKING	200
SURFACE	100
ENCLOSED	50
RATIO	1:1
POWER/STREET / (ST. BUILDING)	10% (1.567E 27)

NOTES:
ELEVATIONS NOTED ARE AT GRADE SURVEY



RECEIVED
NOV 12 2003
ROCHESTER OLMSTED
PLANNING DEPARTMENT

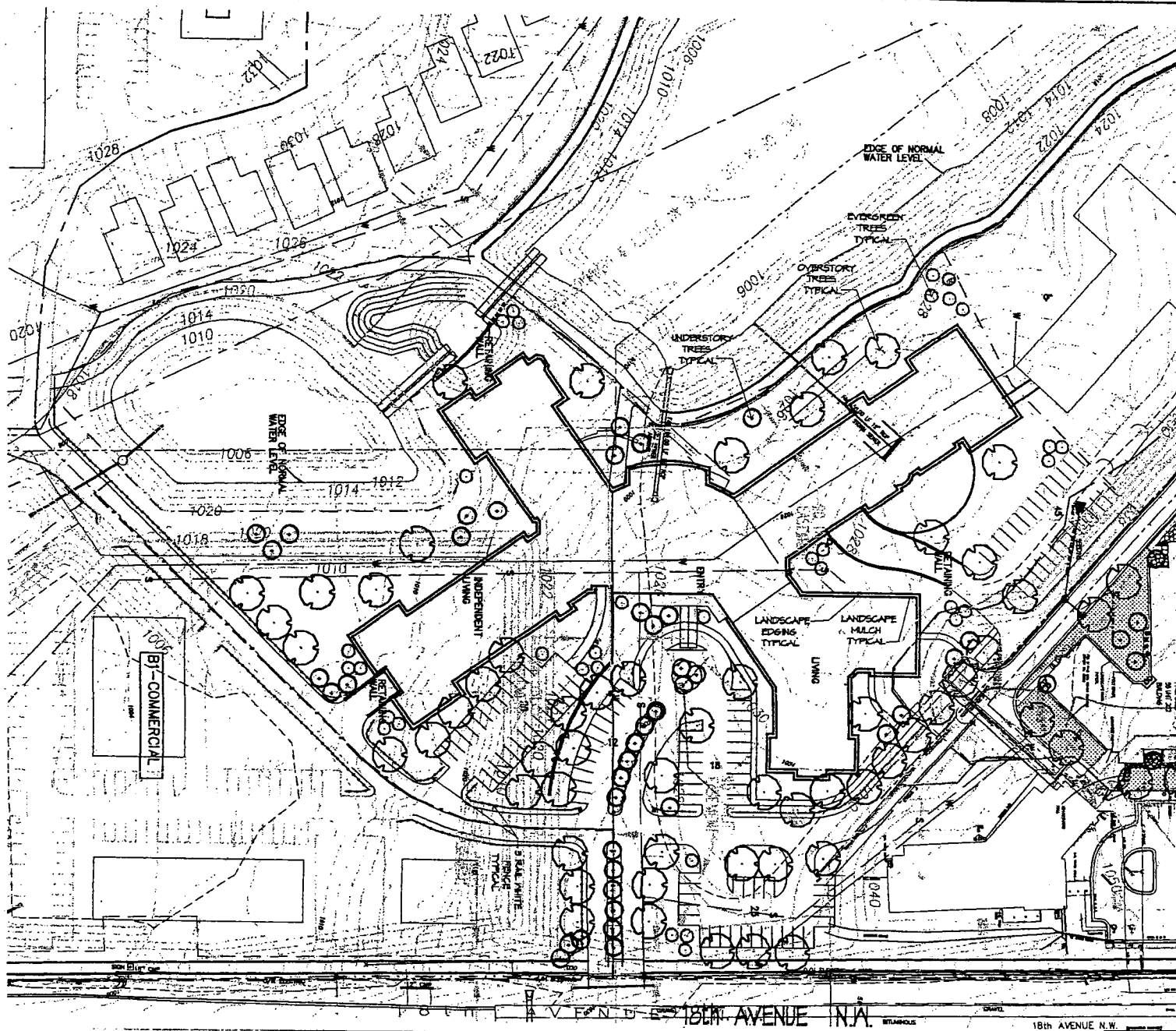
INCENTIVE DEVELOPMENT
SITE PLAN



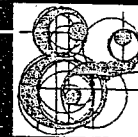
SCALE 1" = 60'-0"

THE HOMESTEAD of Rochester
Rochester, Minnesota
VOA/Presbyterian Homes

NOVEMBER 10, 2003
INSITE ARCHITECTS
Rochester, Minnesota



McGhie



Betts, Inc.

Land Surveying
Urban-Land Planning
Consulting - Civil Engineering
Geotechnical Engineering
Construction Material Testing
Landscape Architecture

1848 Third Ave. S.E.
Rochester, MN 55904

Tel. 507.380.3919
Fax. 507.380.7333
email: madd@mcghiebetts.com

RECOMMENDED
FOR APPROVAL BY:

CITY PLANNING COMMISSION

DATE

APPROVED BY THE COMMON COUNCIL

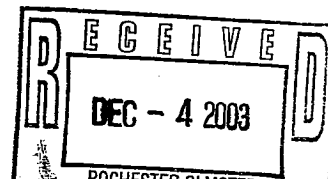
DATE

Date	Description	Initial

NAME
ADDRESS
CITY, STATE ZIP

Designed by: A.M.
Drawn by: K.S.
Checked by: A.M.
Scale: 1" = 50' Case No. 4140/2194
Date: 12/1/03 File No. 2194/VCA-1P

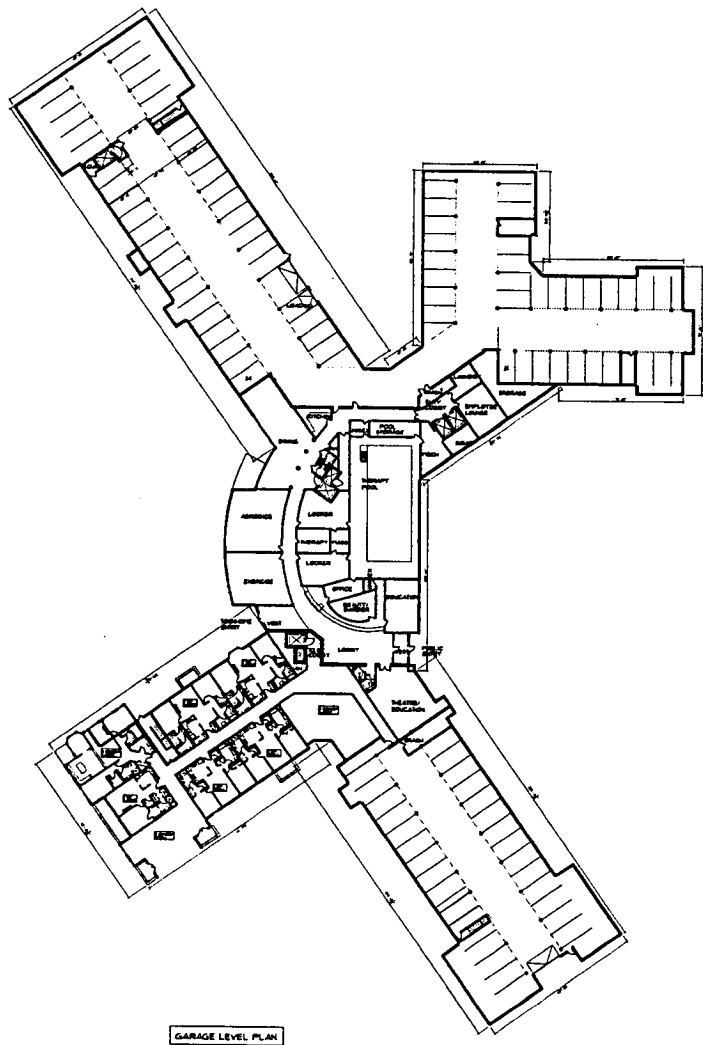
LANDSCAPE PLAN
HOMESTEAD OF ROCHESTER
ROCHESTER, MINNESOTA



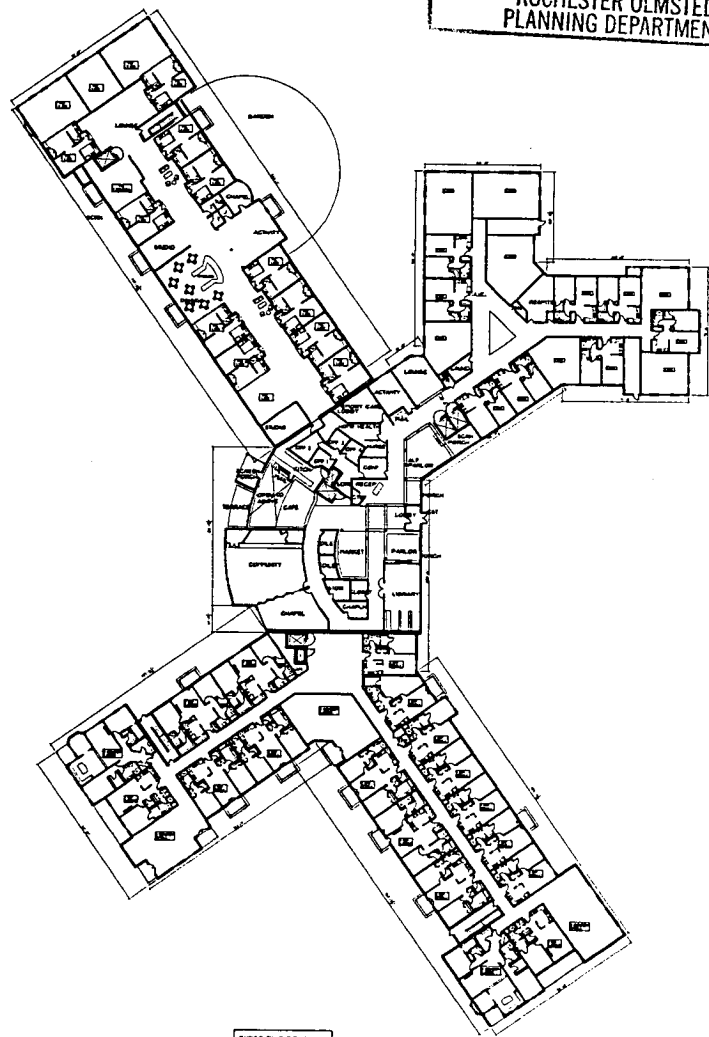
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RECEIVED
NOV 12 2003
ROCHESTER OLMSTED
PLANNING DEPARTMENT



GARAGE LEVEL PLAN



FIRST FLOOR PLAN

THE HOMESTEAD of Rochester

Rochester, Minnesota

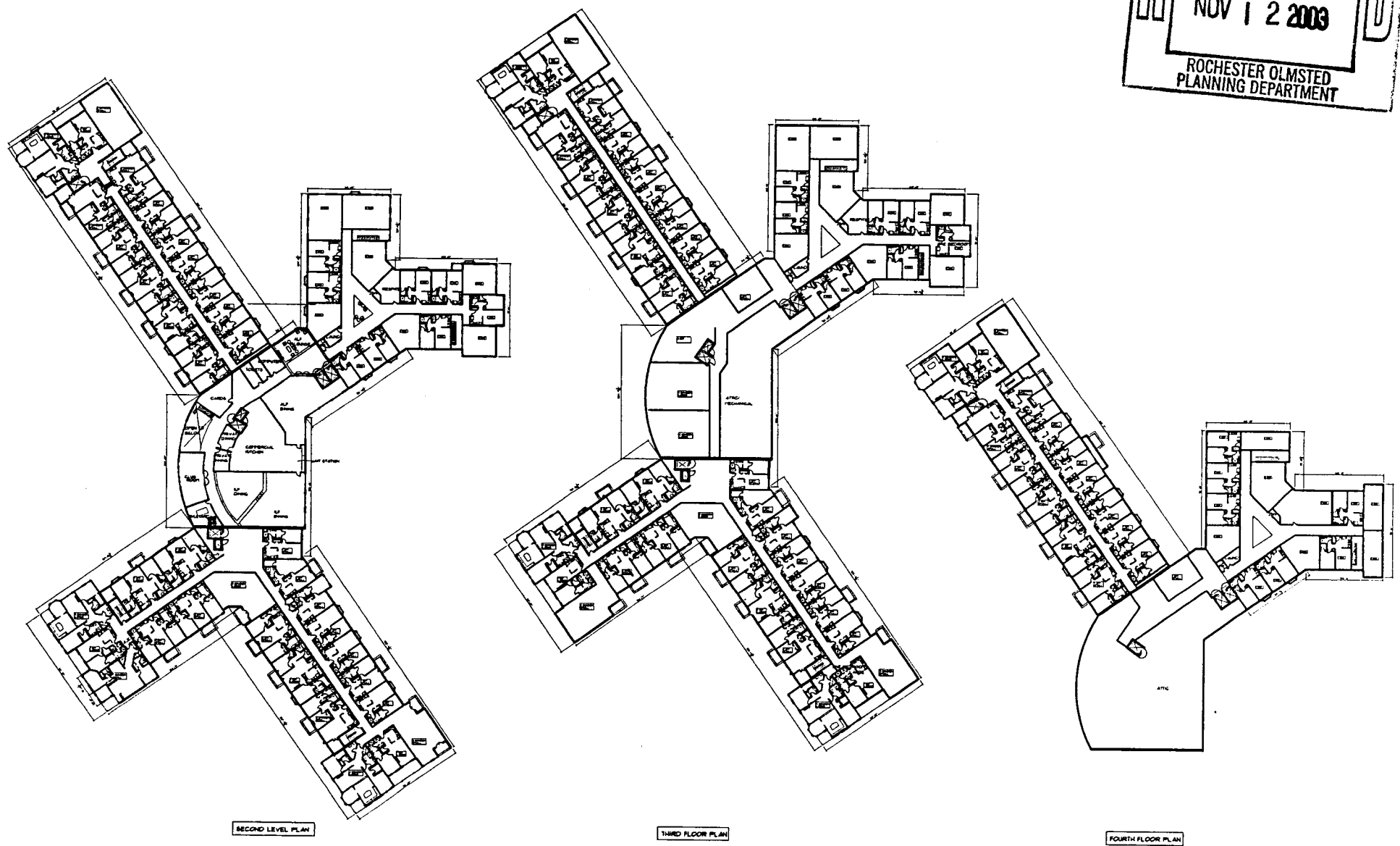
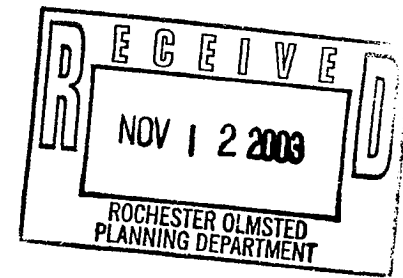


November 10, 2003

INSITE ARCHITECTS
Minneapolis, MN / 612.655.1900

VOA/Presbyterian Homes

Scale
1/32" = 1'-0"



THE HOMESTEAD of Rochester

Rochester, Minnesota

VOA/Presbyterian Homes



November 10, 2003

INSITE ARCHITECTS
Minneapolis, MN / 612.655.1900

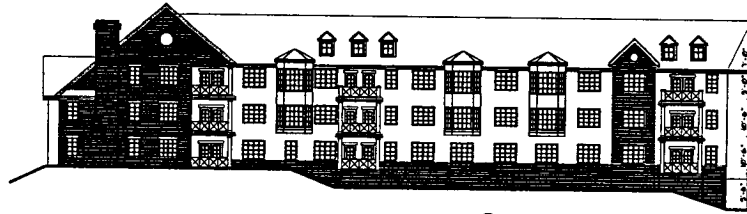
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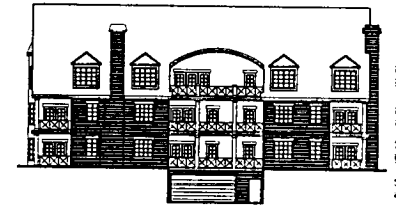
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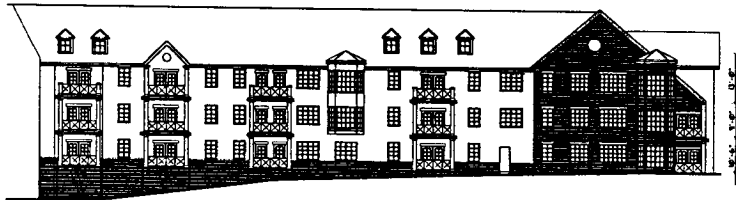
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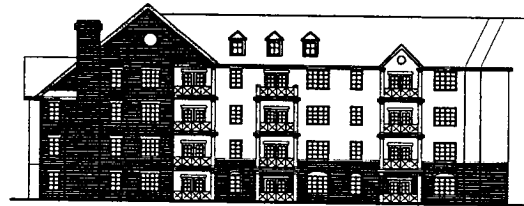
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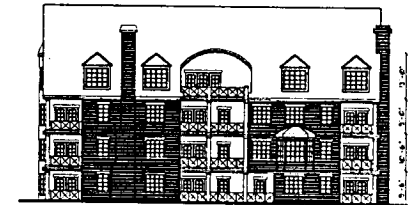
③ Elevation



④ Elevation



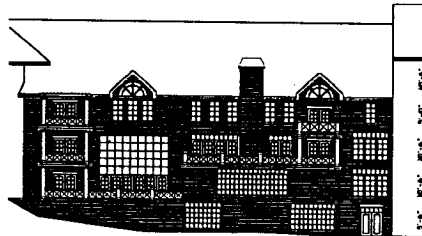
⑤ Elevation



⑥ Elevation



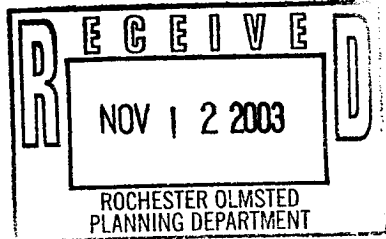
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⑧ Elevation



⑨ Elevation



THE HOMESTEAD of Rochester

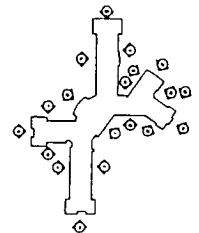
Rochester, Minnesota

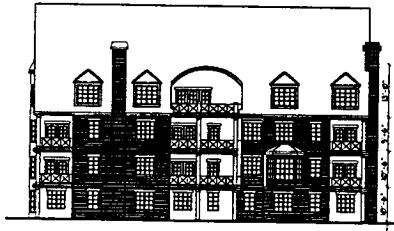
November 10, 2003

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Minneapolis, MN / 612.655.1900

VOA/Presbyterian Homes

Scale
1/8" = 1'-0"

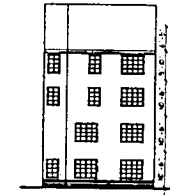




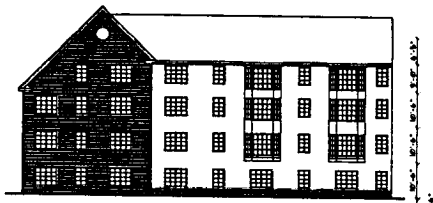
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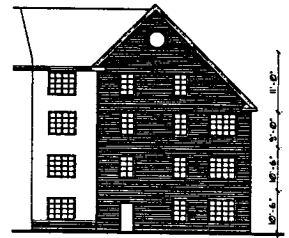
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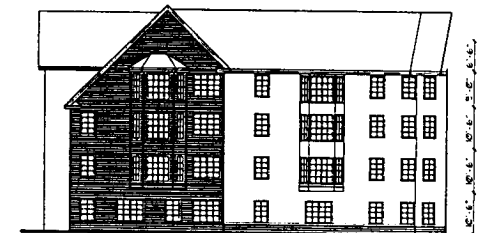
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⑥ ELEVATION



⑦ ELEVATION



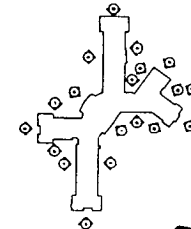
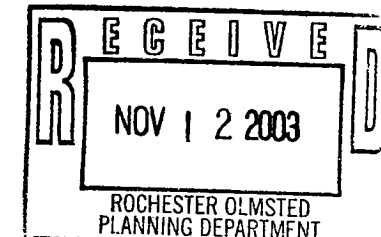
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⑨ ELEVATION



⑩ ELEVATION



THE HOMESTEAD of Rochester

Rochester, Minnesota

November 10, 2003

INSITE ARCHITECTS
Minneapolis, MN / 612.655.1900

VOA/Presbyterian Homes

Scale
1/8" = 1'-0"

219

220



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 4, 2003

RE: Incentive Development #03-60 by Volunteers of America. The applicant is proposing to develop a 4 story congregate housing building with 200 units on their property. The location of the building is just east and south of the detention pond on the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

Planning Department Review:

Applicant/Owner:

Volunteers of America
7530 Market Place Drive
Eden Prairie, MN 55344

Consultant:

Insite Architects
Attn: Kirk Velett
1101 W River Parkway, Suite 330
Minneapolis, MN 55415

Referral Comments:

1. Rochester Public Works Department
2. Rochester Park & Recreation Department
3. Planning Department – GIS staff
4. Olmsted County Public Works Department
5. RPU Water Division
6. RPU Operations Division
7. Planning Department – Wetlands LGU staff
8. MnDOT

Report Attachments:

1. Land Development Manual Excerpts
2. Project Narrative
3. Site Plan and Elevations
4. Referral Comments (5 Letters)

Development Review:

Location of Property:

The property is located west of 18th Avenue NW and north of 55th Street NW and is located within the VOA development. The building is on a portion of Lots 1 and 2, Block 2 and Outlot A The Homestead.

Zoning:

The property is zoned R-3 (Medium Density Residential) and B-1 (Restricted Commercial) on the City of Rochester Zoning Map.

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

221

Proposed Development:

The project is a 4-story multi-family residential building consisting of approximately 323,003 square feet. The building would consist of assisted and independent living units with a total of 200 units. There would be below grade parking for 92 vehicles. The site capacity calculation provided indicates that the site is 9.1 acres of land however this is not correct as currently the building is on the following lots: Lots 1 and 2, Block 2 and Outlot A The Homestead. Prior to the submittal of the Incentive Development Final Plan the property will need to be replatted to create one lot for the building. The lot created will need to be large enough so that the building meets the zoning district standards for the proposed use. The City will need to be in agreement in allowing Outlot A being reduced in size since the executed Development Agreement requires the property owner to dedicate Outlot A to the City of Rochester for regional storm water management.

In the R-3 zoning district congregate housing uses have the same zoning district standards as multi-family residential uses but have different signage and bufferyard requirements. Buildings over 3 stories are to be processed through the Incentive Development review process. In this case the building is 4 stories and based on a lot area of approximately 9 acres in size it has a floor area ratio of .81 and a density of 22 units per acre requiring that it be approved through the Incentive Development review process.

There would brick on the exterior of the building with the unit cluster at the ends of each wing being brick also, as well as the center core facades. The roofs at the end of the building wings will slope down to the 3 story level. This will help visually decrease the height at the most visible areas.

No landscaping has been provided in the preliminary plan review process. If the preliminary plan is approved a detailed landscaping plan (including plans for the retaining walls) will be required at the time the final plan is submitted for review. In addition to landscaping plan, detailed exterior buildings elevations, site plan and site capacity calculation will be required.

Incentive Development:

The Incentive Development provisions of the Land Development Manual allow for a higher intensity development when certain actions are taken by the landowner to make the development more attractive and publicly acceptable. These actions may include additional open space amenities, traffic and pedestrian amenities and/or design features. The Incentive Development approval procedure is a two step process consisting of a preliminary plan and a final development plan. The preliminary plan is reviewed under a Type III, Phase II, procedure with a public hearing before the Planning Commission and a public hearing before the Council. The final plan is reviewed under the Type III, Phase III, procedures. The Council does have the authority to waive the final plan.

The criteria to be considered when reviewing an Incentive Development are listed in Paragraph 62.630 (1), which is attached for your review. This section looks at both the suitability of the area and the site design. The preliminary plan may be approved if it is found that the development has addressed and satisfied all of the criteria, or that a practical solution consistent with the public interest can be incorporated into the design.

The development is proposing a 4 story building. The allowed number of stories permitted within the R-3 zoning district is 3 for a Type I (staff approval) permit. In this case the applicant is proposing 4 stories. Sections 62.630, 62.652, 62.657 and 62.658 (see attached) list the criteria that may be considered for granting bonus density. The criteria that apply in this case are:



Section 62.652

#1 "Energy Conservation" – The northern end of the structure is taller than the southern portion of the building.

Section 62.657

#5 "Site Planning" – The building has a unique design to it by having 4 wings that come off of a center core area. A lot the units will have views of the regional storm water detention structure to the west.

Section 62.658

#1 "Storm Water Management" – A large regional storm water detention structure is located just to the west, which will be dedicated to the City.

#6 "Integrated Planning" – The overall development consist of approximately 40 acres. The proposal is one of the many different types of housing units that will be developed on the property. The building will be located on approximately 9 acres.

62.630 CRITERIA FOR INCENTIVE DEVELOPMENTS:

In determining whether to approve, approve with conditions, or deny an application, the Commission and Council shall be guided by the following criteria:

1) Preliminary Development Plan Criteria:

- a) **Suitability of the Area:** The Commission and Council shall find that the proposed site is suitable as the location for an Incentive Development based on consideration of the following factors:
 - 1) The proposed use is compatible with the land uses in the area. There is an approved General Development Plan for the development, which identifies the property being developed as a senior housing development.
 - 2) The regional storm water detention structure on the property does limit the developable land available for development.
- b) **Site Design Criteria:** The Commission and Council shall find that the preliminary development plan design is consistent with the following guidelines:
 - 1) **Capacity of Public Facilities:** Public utilities are already been installed on the property however due to the new site design some utility lines will need to be relocated. In addition to the relocation of some utility easements will need to be vacated. There is adequate to accommodate the proposed development.
 - 2) **Geologic Hazards:** There are no known geologic hazards on the property.
 - 3) **Natural Features:** The site has been graded according to a previous plan for the property proposed by the applicant. The proposed modification will require the site to be re-graded to accommodate the building and parking areas.
 - 4) **Traffic Generation Impact:** The proposed use will not cause the capacity of the adjacent roadway to be exceeded. 55th Street NW is classified as an "Expressway"

223

roadway and 18th Avenue NW is classified as an "Arterial" on the Thoroughfare Plan. The applicant will be required to install a left turn on 18th Avenue NW into the development.

- 5) **Height Impacts:** The height of the building will not affect the surrounding properties. The building is located on the central/easterly portion of the development, which consist of 40 acres. There is an existing single residential development located approximately 700 feet to the west. Between the proposed building and the existing single residential development there is a large regional storm water detention structure and there will be townhomes built west of the storm water detention structure in the future.
 - a) The proposed structure will not deny adequate sunlight to the surrounding properties as well as it will not destroy views from primary exposures of the adjacent residential dwellings.
- 6) **Setbacks:** The property is currently platted, however, the proposed structure is located on 3 lots so at this time setbacks cannot be reviewed to determine if they are met. The property will need to be replatted to create a lot that the proposed structure, parking, recreation space and landscape area can fit on and meet the zoning district standards. Prior to the submittal of the incentive development final plan the property will need to be replatted.
- 7) **Internal Site Design:** Adequate building separation can not be determined at this time because the proposed building encompasses 3 lots. The property will need to be replatted to create a lot that the proposed structure will be able to meet the required zoning district standards for the proposed use. The common areas of the building are oriented to the large regional storm water detention structure.
- 8) **Screening and Buffering:** No conceptual landscaping was provided with the application. When the Incentive Development final plan is submitted, a detailed landscaping plan will need to be submitted for review.
- 9) **Ordinance Requirements:** It appears the development includes adequate amounts of off-street however further review is need at the time that the incentive development final plan is submitted. No landscaping plan was provided with the application. When the Incentive Development final plan is submitted, a detailed landscaping plan will need to be submitted for review.

Staff Recommendation:

Based on the above findings and the need for a final plan submittal, the Planning staff recommends approval of this incentive development preliminary plan, with the following conditions:

1. ***Prior to the submittal of the Final Plan, the property shall be replatted to create a lot which will meet the zoning district standards for the proposed use.***
2. ***The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a City/Owner Contract.***
3. ***The Final Development Plan application shall include:***
 - ***Building elevations that identify dimensions, building materials and colors;***

224

Page 5
VOA Incentive Development
December 4, 2003

- *Details for exterior lighting on the building;*
- *Detailed landscaping plan including plant materials;*
- *A sign plan, if signs will be proposed;*
- *Grading plan;*
- *Updated site capacity calculation based on the new lot.*

225

EXCERPTS FROM THE ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL

62.630 CRITERIA FOR INCENTIVE DEVELOPMENTS:

In determining whether to approve, approve with conditions, or deny an application, the Commission and Council shall be guided by the following criteria:

2) Preliminary Development Plan Criteria:

a) **Suitability of the Area:** The Commission and Council shall find that the proposed site is suitable as the location for an Incentive Development based on consideration of the following factors:

- 1) The proposed use is compatible with the existing land uses in the area or the pattern of zoning within 1,000 feet of the property boundaries.
- 2) The natural characteristics of the site under consideration, including topography and soil characteristics, necessitate increased density to allow for economic development of the site.

b) **Site Design Criteria:** The Commission and Council shall find that the preliminary development plan design is consistent with the following guidelines:

- 1) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
- 2) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., has been identified and the development of these areas has been taken into account or will be addressed in the final development plan.
- 3) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
- 4) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements or the need for improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
- 5) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development in the following manner:
 - a) The structures will not deny adequate sunlight to surrounding properties;
 - b) The siting of the structures will not destroy views from the primary exposures of adjacent residential dwellings;



- 6) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- 7) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- 8) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- 9) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.

BONUS DENSITY

62.652 **Medium Density Residential Development:** The criteria listed in this paragraph will be considered in granting bonus density in the R-3 zoning districts:

- 1) Making provisions in the development for integration of double wide or other types of manufactured housing with site built dwellings.
- 2) **Energy Conservation:** Site design and building orientation laid out in such a manner so as to reduce or provide for the potential reduction in energy consumption. Features to be considered are:
 - a) The placement of higher densities on south facing slopes;
 - b) Taller buildings sighted towards the north portion of the site, but with sufficient setback so as not to shade properties to the north.
- 3) The criteria listed in Paragraph 62.657.
- 4) The criteria listed in Paragraph 62.658.

62.657 **All Residential Development:** The criteria in this paragraph may be considered for granting bonus density in all residential developments districts.

- 1) **Proximity to Neighborhood Facilities:** The development is designed with a minimum of two bedrooms per unit and meets three of the following locational criteria in relation to neighborhood facilities.
 - a) it is within 1/4 mile of a nursery school
 - b) within 1/2 mile of an elementary school
 - c) within 3/4 mile of a junior high school
 - d) within 1/4 mile of a neighborhood playground

- e) within 1/2 mile of a neighborhood shopping center or 1/4 mile of a convenience retail use.
- 2) Dedication of land for public recreation use which is in excess of any ordinance requirements for usable recreation space. Facilities to be considered include playlots, neighborhood parks, community parks, special use parks, city squares or triangles, parkways or trail systems providing access to major public facilities or along environmental corridors.
- 3) Development within one-quarter mile of a bus shelter or the provision of a new bus shelter along an existing transit route.
- 4) Installation of noise buffers where the development is exposed to traffic-generated or industrially-generated noise exceeding the permitted residential noise level of this ordinance. The buffer shall reduce the level of noise to a level no more than five decibels above the permitted noise level.
- 5) **Site Planning:** Integrated design of the site, individual lots and floor plans so as to provide 1) a varied streetscape (through varying garage and dwelling unit entrance location, landscaped front yards designed as part of initial project, or building variations that create identity through the use of features such as setback variation, archways, chimneys or recessed areas) and 2) individual unit privacy, (through orientation of major indoor areas to private outdoor spaces or window placement in such a manner so as not to create sightlines into neighboring units or private outdoor areas).
- 6) **Housing for Low Income Households:** Aside from the other provisions of this section, any unit constructed for low income families shall earn a bonus of one (1) additional dwelling unit, up to the maximum density with bonus permitted. The units shall meet one of the following three requirements:
 - a) They are provided under a contract with a governmental housing authority which provides assurance that the units will be made available to low income families for at least twenty-five (25) years;
 - b) The units are subsidized by either the federal, state or local government;
 - c) The development application is accompanied by covenant documents or other adequate documents guaranteeing the use of those dwellings for low income families. The documents shall not be accepted until approval by the City as to legal form and effect, providing that the use restriction be for at least 25 years.

In no event shall this bonus be permitted where subsidized or guaranteed units constitute more than thirty (30%) percent of a development, except where the development consists of less than ten (10) dwelling units.

- 7) **Storm Shelter:** The providing of storm shelter space in accordance with the provisions of Paragraph 62.266(3).

62.658 **All Development:** The criteria in this paragraph may be considered for granting bonus density in all developments:

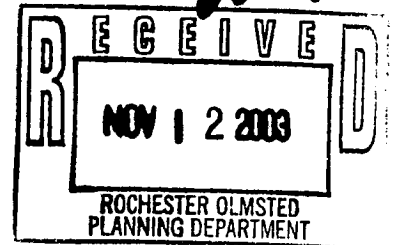
- 1) **Storm Water Management:** The developer provides on-site or off-site improvements to stormwater facilities that will minimize existing flooding, erosion or siltation problems resulting from obsolete or non-existing stormwater facilities up or downstream from the tract in question; or the developer provides improvements such as over-sized retention basins, channel improvements, or recharge facilities



which reduce or eliminate existing flooding, erosion or siltation caused by urban development either up or downstream. The City Council shall determine that the existing problems are sufficient to grant the bonus, based upon the recommendation of the City Engineer.

- 2) The development proposes to integrate the reuse of an existing structure which has been vacant for 24 consecutive months.
- 3) Easements consistent with the flood control project are provided, or other bank treatment or river beautification which will result in increased usage of the area along existing streams for walking, sitting, or other means of passive recreation are developed.
- 4) Street improvements normally provided by the City of Rochester are constructed, dedicated or paid for by the developer. Examples include the provision of right-of-way for arterial streets beyond that normally required to be dedicated, or the construction or payment for turn lanes, signal lights, increased pavement depths, etc.
- 5) **Utility Service:** The development of the site will lead to increased efficiency in the existing public utility delivery system or the more efficient use of already existing utilities. This means, a) that the necessary utilities already exist on the property to be served, or b) the development of the property will provide a necessary link or connection to complete the system or improve service.
- 6) **Integrated Planning:** The proposed development involves the integrated development of a site which is a minimum of one acre in size and located in an established district.
- 7) Each four (4) percent increase in the landscape area ratio above the minimum required shall be considered as meeting the criteria for bonus density/floor area or an increase in plant materials so as to exceed minimum requirements.
- 8) The proposed development minimizes access points by utilizing shared access points with adjacent developments, resulting in a reduction in the number of driveway openings on a collector or higher level street.
- 9) Parking lot landscaping for the purpose of screening residential areas and/or right-of-way areas from concentration of vehicles.

in-site architects



November 11, 2003

Planning Department
City of Rochester / Olmsted County
2122 Campus Drive SE
Rochester, MN 55904

Re: Submittal for Incentive Development

Volunteers of America / Presbyterian Homes Campus
55th Street NW and 18th Ave NW


Volunteers of America / Presbyterian Homes is requesting an Incentive Development approval for their senior housing campus at 55th Street NW and 18th Ave NW. The request is to increase the number of stories in the building from three to four stories. The current R-3 Congregate Housing zoning allows three stories.

The following design features have made it necessary for this request:

1. A full wellness center is proposed within the building to serve both the immediate campus as well as the senior community. This center will have education rooms, cardio and strength rooms, locker rooms, dining, and space for a warm water therapy pool. Volunteers of America is currently in discussions with the Rochester Senior Center to cross program the uses of the wellness center.
2. The extra story helps to shorten the length of corridors within the building which encourages independence for seniors as they age.

We believe this request will not adversely affect any surrounding properties, and will enhance the overall general development of the site. To help minimize any impact this change may have on our site and building design offer the following enhancements:

1. Addition of brick to the building. We are proposing that the unit cluster at the ends of each wing be brick, as well as the center core facades.
2. The roofs at the end of the wings will slope down to the 3 story level to help visually decrease the height at the most visible areas. The main entry appears as two stories.

- 
3. The building has been moved so that no building west of the ponds is over two stories high. This means that the closest distance to existing single family properties from the congregate building is now 700 feet, in lieu of the previous 265 feet.
 4. With the four story design more green space is created.
 5. Working with existing grades to create "walk out" areas gives more variety to the roof and grade lines.

Concerning specific site design criteria:

Capacity of Public Facilities: Not affected because there is no change in the approved use of the property. All utilities (water, sanitary, and storm) are currently installed on the site. Some utility lines will need to be moved to accommodate the new site design)

Geologic Hazards: No hazards are created

Natural Features: New site layout works with the existing topography

Traffic Generation Impact: Not affected because there is no change in the approved use of the property

Height Impacts: The proposed height of the building will not affect surrounding properties, and actually is located further from external property lines than originally approved.

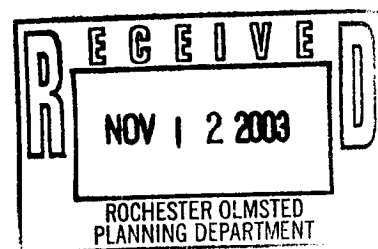
Setbacks: Not affected as all original external setbacks are maintained or increased.

Internal Site Design: The one story increase does not negatively affect the internal site, and does provide additional open space on the site, as well as provide a more user friendly building for senior residents. The only internal property this request affects is the Department of Public Works storm management ponds that were dedicated to the city by Volunteers of America. We understand that the department has no objections to the one story increase of the building.

Screening and Buffering: This will be provided as submitted with the original General Development Plan, and the proposed Amendment to the GDP.

Ordinance Requirements: The one story increase does not change service to the building and parking is provided at a slightly greater ratio than the approved General Development Plan.

Given the many enhancements this design provides we request that approval be given for the increase in height from three stories to four stories.





231

November 20, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Restricted Development Conditional Use Permit #03-60 by Volunteers of America to allow for development of a 4 story 200 unit congregate housing building on the east side of the property.

Dear Ms. Garness:

Our review of the referenced application is complete and our comments follow:

1. Vacation of existing and dedication of new public utility easements is required.
2. The existing public water main in this area must be relocated per our requirements. We will work with the applicant's engineering firm on the layout to serve this area.
3. Fire hydrant locations must be approved by the Fire Prevention Bureau.
4. Final water main construction plans conforming to standard City of Rochester requirements must be prepared by a civil engineer and approved by us.
5. The owner is required to enter into a City Owner Contract with the City of Rochester for the installation of the public water main. Contact the Land Development Manager (507-281-6198) at the Public Works Department for details.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Volunteers of America
Kirk Velett, In-Site Architects

732

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for Restricted Development Plan #03-60, on the Volunteers of America property, platted as part of Lots 1 & 2, Block 2, The Homestead. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
2. With the exception of Storm Water management for any areas that do not drain to approved on-site facilities, and Traffic Signs, all other development charges for this Property have been addressed in, and paid through the City-owner Contract process for Ph I & Ph II of The Homestead.
3. The relocation and / or extension of public utilities will require the execution of a City-Owner Contract prior to construction, and the applicable dedication and/or vacation of public easement(s).



ROCHESTER PARK AND RECREATION DEPARTMENT

233

November 17, 2003

TO: Jennifer Garness
Planning

RE: CUP #30-60
Volunteers of America

Dedication for the proposed 4 story building has been met via the 07-23-01 cash payment. No additional dedication is required.

As per conditions of the approved GDP, the applicant should be extended 1.65 acre of dedication credit for the dedication of the constructed public pond / trail system surrounding the pond.

234



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Restricted Development Conditional Use Permit #03-60 by Volunteers of America. The applicant is proposing to develop a 4 story congregate housing building with 200 units on their property.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building within the City of Rochester. The fire apparatus access road shall extend to within 150 feet of all portions of the building or any portion of the exterior wall of the first story as measured by an approved route around the exterior of the building. Fire apparatus access roadways shall be 20 feet in width and comply with section 503 of the Rochester Fire Code.
3. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

a) Streets less than 26 feet in width shall be posed "No Parking" on both sides of the street.

c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Volunteers of America
In-Site Architects

245

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: CUP #03-60 by VOA

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

No wetlands exist on this site according to the wetland delineation report of 1999.

734

1. The GDP shall be revised:

- a) Changing CO RD 144 SE / 40th AVE SE to "40 Ave SE (CO RD 144)".
2. The anticipated Level of Service at intersection of Bob's Construction and 40th Avenue SE will meet the standards of the LDM. Any future expansion or reconstruction of the entire site shall require completion of a Traffic Impact Report (TIR) as required under Section 61.253 (3a & 3b) of the LDM. In addition, future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these access be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.
3. Execution of a Pedestrian Facilities Agreement shall be required addressing the Owner's obligation related to future pedestrian facilities along the frontages of this property.
4. Grading and Drainage Plan approval is required prior to any new development of this property. A Storm Water Management fee shall apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
5. The water system shall be extended through this property to the NE side per RPU-Water Division requirements providing for a planned looped system to serve this and the adjoining properties to the east.
6. Prior to any additional development / redevelopment of this property, the Owner's obligations shall be addressed in the Development Agreement with the City.
7. On-site fire hydrants shall be added to this property prior to any additional construction on the property being approved.

Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America. The Applicant is proposing to amend the approved GDP by changing the types of housing units on the property mostly in the westerly half of the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

AND

Incentive Development Conditional Use Permit #03-60 by Volunteers of America. The applicant is proposing to develop a 4 story congregate housing building with 200 units on their property. The location of the building is just east and south of the detention pond on the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

Mr. Brent Svenby presented the staff reports, dated December 4, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the landscape plan was submitted after the packet was distributed. Prior to submitting a final plan for the incentive development, the applicant will need to submit a detailed landscaping plan listing the types of planting materials and exact location, as well as

elevations of retaining walls on the property, colors of the building itself, and exact building materials.

Mr. Kirk Velett, of Insite Architects (1101 West River Parkway, Suite 330, Minneapolis MN 55415), addressed the Commission. Their previous plan showed three separate buildings. They now feel it is better to have all the units for seniors at different levels of needs in one building so they can share all the services.

Ms. Wiesner asked if the applicant was in agreement with the staff-recommended conditions.

Mr. Velett stated that there was mention of a payment regarding grading and drainage. His understanding is that it was taken care of with the original development plan. The storm drainage fees have been paid by the dedication of the land for the storm ponds on the site.

Mr. Svenby stated that he would clarify it with Public Works.

Mr. Velett stated that he had the same question with regard to the park dedication fees. He understood that, once the trails were constructed, it would be in lieu of any cash payment.

Mr. Svenby stated that, according to the Park Department memorandum, the dedication fee was based on 380 dwelling units on the site. The proposed amendment shows 400 dwelling units.

Mr. Velett stated that they do not have any other concerns with the staff-recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America with the staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 9-0.

CONDITIONS:

- 1. The GDP shall be revised to remove the 16 unit buildings in the southwest portion of the property out of the area that is zoned R-1X.**
- 2. The property shall be replatted. The City Public Works Department shall be in agreement to revising Outlot A to accommodate the 4 story building.**
- 3. Grading and Drainage Plan approval is required prior to development, and a Storm Water Management charge shall apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.**
- 4. Dedication of parkland shall be met via: land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated November 17, 2003.**
- 5. The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a**



City/Owner Contract

6. Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP.

Ms. Petersson moved to recommend approval of Incentive Development Conditional Use Permit #03-60 by Volunteers of America with the staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 9-0.

CONDITIONS:

1. Prior to the submittal of the Final Plan, the property shall be replatted to create a lot which will meet the zoning district standards for the proposed use.
2. The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a City/Owner Contract.
3. The Final Development Plan application shall include:
 - Building elevations that identify dimensions, building materials and colors;
 - Details for exterior lighting on the building;
 - Detailed landscaping plan including plant materials;
 - A sign plan, if signs will be proposed;
 - Grading plan;
 - Updated site capacity calculation based on the new lot.

Amendment to the Arboretum Special District (SD #1) and the Arboretum General Development Plan (#83), by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Special District, and amend the General Development Plan to designate the property for "commercial" uses. The applicant is also requesting approval for a Substantial Land Alteration permit to change grades on the site by 10 feet or more. The property is located north of 41st Street, east of Arboretum Drive.

Mr. Brent Svenby presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Wade DuMond, of Yaggy Colby Associates, addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions. He stated that there was a neighbor in the audience that asked him about the substantial land alteration. The cut slope close to the Lincolnshire residents would be a 15 foot cut (3:1 slope). There is potential that it could be moved further out so that a berm could be put on top of the hill. However, they would have to figure out how to balance the site.

Ms. Rivas asked what the bufferyard width would be.

Mr. DuMond responded 100 feet.

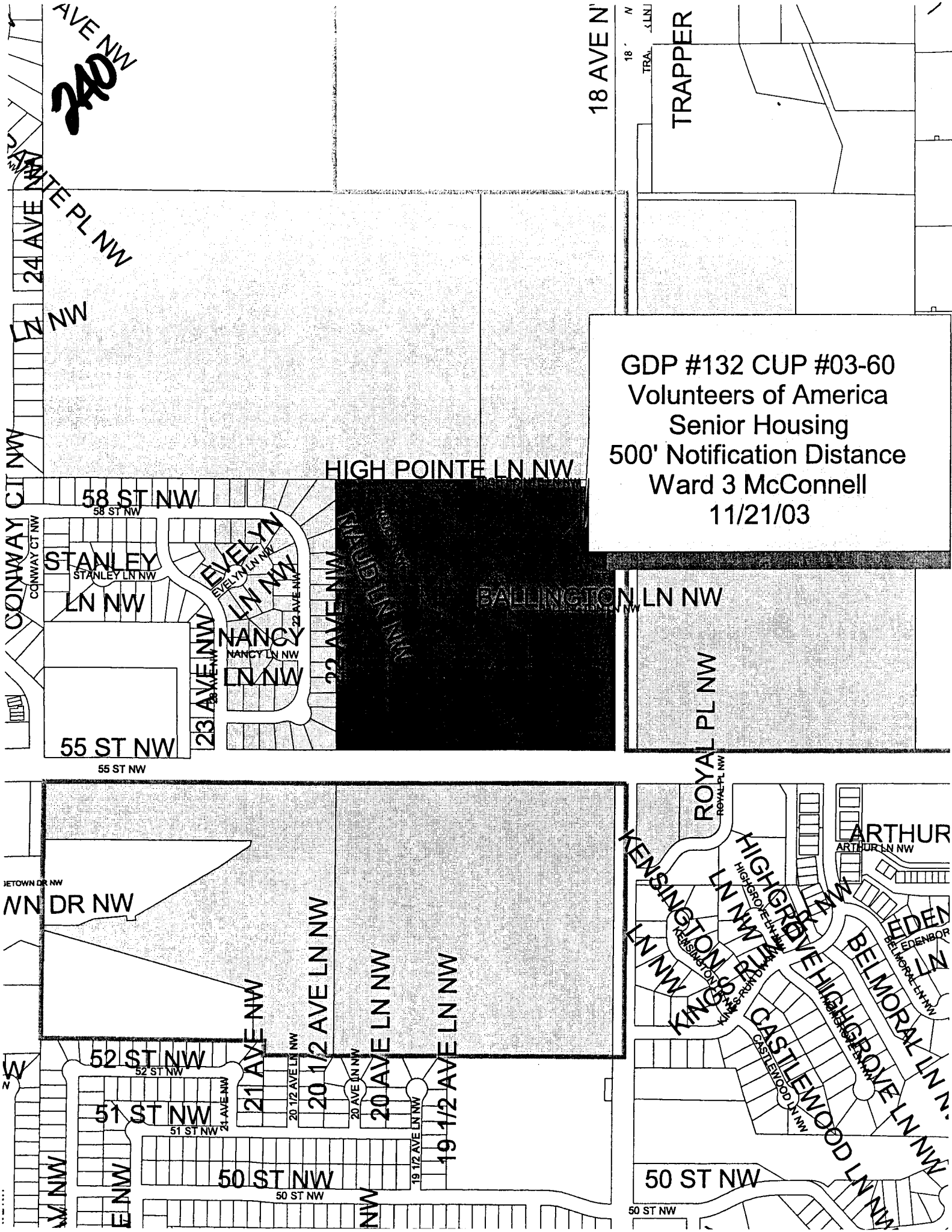
REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-05-04

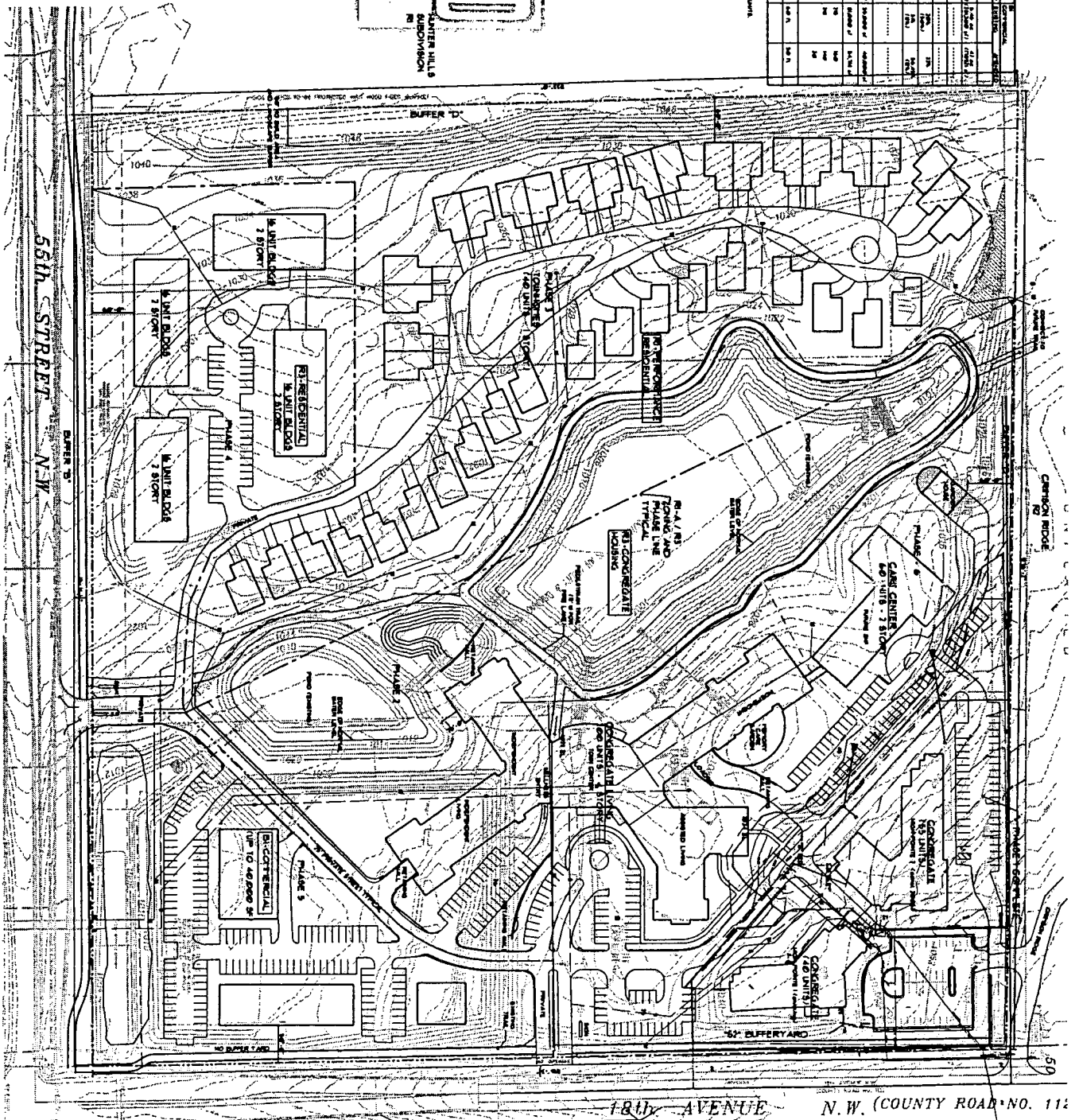
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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America. The Applicant is proposing to amend the approved GDP by changing the types of housing units on the property mostly in the westerly half of the property. The property is located along the north side of 55 th Street NW and along the west side of 18 th Avenue NW.		PREPARED BY: Brent Svenby, Planner
<p>December 22, 2003 <u>NOTE:</u> See CPZC minutes from previous Incentive Development public hearing.</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>On December 10, 2003 the City Planning and Zoning Commission reviewed the proposed changes to the approved General Development Plan.</p> <p>The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.</p> <p>Ms. Petersson made a motion to recommend approval of amendment to General Development Plan #132 known as Volunteers of America Senior Housing based on staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 9-0.</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none">1. The GDP shall be revised to remove the 16 unit buildings in the southwest portion of the property out of the area that is zoned R-1X.2. The property shall be replatted. The City Public Works Department shall be in agreement to revising Outlot A to accommodate the 4 story building.3. Grading and Drainage Plan approval is required prior to development, and a Storm Water Management charge shall apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.4. Dedication of parkland shall be met via: land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated November 17, 2003.5. The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a City/Owner Contract6. Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP. <p><u>Planning Staff Recommendation:</u></p> <p>See attached staff report dated December 4, 2003.</p> <p><u>Council Action Needed:</u></p> <ol style="list-style-type: none">1. The Council may approve, approve with conditions, or deny the general development plan Amendment. The Council must make findings based on the criteria listed in Paragraph 61.215.2. If the Council wishes to proceed with the general development plan amendment as proposed, it should instruct the City Attorney to prepare a resolution for Council approval. <p><u>Attachments:</u></p> <ol style="list-style-type: none">1. Staff Report dated December 4, 20032. Minutes of the December 10, 2003 CPZC Meeting <p>COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____</p>		



GDP #132 CUP #03-60
Volunteers of America
Senior Housing
500' Notification Distance
Ward 3 McConnell
11/21/03

No.	Name	Age	Date of Birth		Sex	Religion	Marital Status	Education	Occupation	Income	Assets	Liabilities	Net Worth
			Month	Year									
1	John Doe	35	01	1988	M	Catholic	Married	High School	Teacher	\$45,000	\$120,000	\$15,000	\$105,000
2	Jane Smith	28	15	1995	F	Protestant	Single	College	Nurse	\$38,000	\$85,000	\$5,000	\$80,000
3	Robert Johnson	42	03	1981	M	Jewish	Married	University	Engineer	\$52,000	\$180,000	\$20,000	\$160,000
4	Maria Garcia	31	22	1993	F	Muslim	Single	High School	Retail	\$25,000	\$40,000	\$2,000	\$38,000
5	David Wilson	25	10	1998	M	Buddhist	Single	College	Student	\$15,000	\$30,000	\$1,000	\$29,000
6	Emily Brown	33	08	1990	F	Hindu	Married	High School	Homemaker	\$28,000	\$60,000	\$3,000	\$57,000
7	Michael Lee	40	12	1983	M	Christian	Married	University	Doctor	\$65,000	\$220,000	\$25,000	\$195,000
8	Sarah Kim	27	05	1996	F	Protestant	Single	College	Software	\$42,000	\$95,000	\$6,000	\$89,000
9	Christopher Davis	38	18	1986	M	Jewish	Married	High School	Manager	\$35,000	\$70,000	\$4,000	\$66,000
10	Ashley Miller	24	02	1999	F	Muslim	Single	College	Research	\$30,000	\$55,000	\$2,500	\$52,500



THE HOMESTEAD of Rochester
Rochester, Minnesota

VOA/Presbyterian Homes

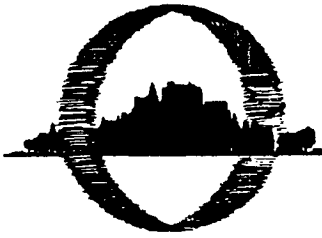
NOVEMBER 10, 2003

INSITE ARCHITECTS

AMENDMENT TO GENERAL DEVELOPMENT PLAN

SCALE: 1" = 60'-0"

PROPOSED GDP



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 4, 2003

RE: Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America. The Applicant is proposing to amend the approved GDP by changing the types of housing units on the property mostly in the westerly half of the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

Planning Department Review:

Applicant/Owner:

Volunteers of America
7530 Market Place Drive
Eden Prairie, MN 55344

Consultants:

Insite Architects
Attn: Kirk Velett
1101 W River Parkway, Suite 330
Minneapolis, MN 55415

Size and Location:

The area includes approximately 40 acres of land, located at the northwest corner of the intersection of 55th Street NW, west of 18th Avenue NW.

Existing Land Use:

The site is presently undeveloped except for the congregate living facility construction in the northeast corner of the property. This building consists of 40 units. There is currently a 55 unit congregate housing building under construction just west of the existing 40 unit building.

Proposed Use:

The amended GDP identifies the property being developed with townhomes, independent and assisted living units and commercial uses. The approved plan has 28 townhome units while the amendment proposes 40 townhome units. Congregate living (assisted living & independent living units) is shown at 442 units on the approved GDP, while the proposed amendment has 459 units. The approved GDP identifies 50,000 square feet of commercial uses on the property while amendment proposes 40,000 square feet.





Land Use Plan:

This property is identified for "Commercial" uses and "Medium Density Residential" uses on the Rochester Urban Service Area Land Use Plan Map.

Zoning:

A majority of the property is zoned R-3 (Medium Density Residential), except for a 240 foot wide area along the west property boundary is zoned R-1x (Mixed Single Family Extra). Approximately 8 acres of the southeast corner of the property is zoned B-1 (Restricted Commercial) district on the City of Rochester Zoning Map.

Roadways:

The General Development Plan proposes three access locations into the site. These access locations were determined by a traffic analysis done for the site. The access from 55th Street is shown as private street and will be a right-in/right-out only. This roadway will serve the townhomes, independent living facility and the commercial area. There is two access points shown from 18th Avenue NW. Both of these roads are shown as being private roadways. A left turn lane along 18th Avenue at the southerly entrance of the site will be required. The northerly access location on 18th Avenue is shown as connecting in with the roadway in Crimson Ridge. The roadway serving the townhomes are shown as private streets with a width of 25 feet.

Sidewalks:

Sidewalks are not required along private roadways. There are pedestrian trails located throughout the GDP.

Drainage:

Grading and Drainage Plan approval is required prior to development and a Stormwater Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for all areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. A wetland delineation report was completed in 1999 for the property. According to the wetland delineation no wetlands exist on the site.

Public Utilities:

The static water pressures within the area will range from the upper 40's to the upper 60's PSI. A substantial amount of the existing public water within the property will need to be relocated at each phase of development to accommodate the new proposed layouts.

245

Parkland Dedication:

Parkland dedication for the development will be the combination of cash in lieu of land and land dedication. The applicant will be extended for 1.65 acres for the eventual dedication of the constructed public pond/trail system around the pond. The balance of the dedication to be in the form of cash in lieu of land. Cash in lieu payments in the amount of \$88,250 have been received (7-23-01) for the initial 380 units of the development. No additional dedication will be required until the entire development exceeds 380 dwelling units.

Referral Comments:

1. Rochester Public Works Department
2. Rochester Park & Recreation Department
3. Planning Department – GIS staff
4. Olmsted County Public Works Department
5. RPU Water Division
6. RPU Operations Division
7. Planning Department – Wetlands LGU staff
8. MnDOT

Report Attachments:

1. Copy of proposed GDP Amendment
2. Copy of the approved GDP
3. Location Map
4. Referral Comments (5)

Summary:

The Applicant is proposing to amend the approved GDP by changing the conceptual layout of the development from what is currently approved. The styles and types of buildings on the property are changing.

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999.

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

Land uses within the amended GDP are generally consistent with the zoning classifications on the property. The 16 unit buildings shown in the southwest portion are not permitted in the R-1X zoning district and the GDP will need to be revised moving the 16-unit buildings out of the area zoned R-1X.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.



The density and access of the proposed development is compatible with the existing and permissible future use of the adjacent properties. The development has frontage on 2 major roadways and the access to this roadways have already been determined and will only be allowed at the access openings as shown on the plat for the property.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

The policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan encourage developing a range of densities and development styles. This development will help to further the goals and policies of the Land Use Plan and also those found within Chapter 3 of the Housing Plan. The development will offer a range of housing consisting of townhouse, assisted living units and independent living units.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

A Development Agreement has been executed between the developer and City for the development of this property. Access to the property will be from 18th Avenue NW and 55th Street NW. The access from 55th Street is shown as a private street and will be a right-in/right-out only. This roadway will serve the townhomes, independent living facility and the commercial area. There is two access points shown from 18th Avenue NW. Both of these roads are shown as being private roadways. A left turn lane along 18th Avenue at the southerly entrance of the site will be required. The northerly access location on 18th Avenue is shown as connecting in with the roadway in Crimson Ridge.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

A Development Agreement has been executed between the developer and City for the development of this property. The access from 55th Street is shown as a private street and will be a

247 -

right-in/right-out only. This roadway will serve the townhomes, independent living facility and the commercial area. There is two access points shown from 18th Avenue NW. Both of these roads are shown as being private roadways. A left turn lane along 18th Avenue at the southerly entrance of the site will be required. The northerly access location on 18th Avenue is shown as connecting in with the roadway in Crimson Ridge.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

The static water pressures within the area will range from the upper 40's to the upper 60's PSI. A substantial amount of the existing public utilities within the property will need to be relocated at each phase of development to accommodate the new proposed layouts.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Grading and Drainage Plan approval is required prior to development and a Stormwater Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for all areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.

The regional storm water ponds have been constructed on the property. It appears that with the proposed amendment, there will need to some redesigning of the pond facilities to accommodate the development.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Grading and Drainage Plan approval is required prior to development and a Stormwater Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for all areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.

248

The regional storm water ponds have been constructed on the property. It appears that with the proposed amendment, there will need to some redesigning of the pond facilities to accommodate the development.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

This development proposes private roadways. Detailed site plans (Site Development Plans and/or Performance Residential Development plan) will need to be reviewed and approved by the City prior to development of the property.

The property will need to be replatted prior to the any additional development be approved for the property. A large 200 unit building shown just east of the storm water pond appears to be on 3 different lots. One the lots is Outlot A, which is required to be dedicated to the City from regional storm water use.

One the proposed 16 unit buildings in the southwest portion of the development and approximately a third of another building are shown on the land, which is, zoned R-1X. This type of building is not permitted in the R-1X zoning district so the GDP will need to be revised removing these buildings from the R-1X zone.

Recommendation:

Staff recommends the following conditions or modifications to assure compliance with the Rochester Zoning Ordinance and Land Development Manual and applicable criteria:

- 1. The GDP shall be revised to remove the 16 unit buildings in the southwest portion of the property out of the area that is zoned R-1X.**
- 2. The property shall be replatted. The City Public Works Department shall be in agreement to revising Outlot A to accommodate the 4 story building.**
- 3. Grading and Drainage Plan approval is required prior to development, and a Storm Water Management charge shall apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.**
- 4. Dedication of parkland shall be met via: land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated November 17, 2003.**
- 5. The cost of any needed City utility modifications and easement vacations will be the responsibility of the Owner/Developer. Any such work must be performed under a City/Owner Contract**
- 6. Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP.**

NOTE: Prior to development of this property, Site Development Plans will need to be submitted to the City and approved. This GDP review did not include detailed site plan review for compliance with all regulations applicable to permit issuance (i.e. lighting, recreation space, landscape areas, signage, bufferyards, etc).



249

ROCHESTER PARK AND RECREATION DEPARTMENT

November 17, 2003

TO: Jennifer Garness
Planning

RE: Amendment to GDP #132
Volunteers of America

Dedication for the development to be combination of cash in lieu of land and land dedication.

The applicant should be extended for 1.65 acres for the eventual dedication of the constructed public pond / trail system around the pond. The balance of the dedication to be in form of cash in lieu of land.

Cash in lieu payments in the amount of \$88,250 have been received (07-23-01) for the initial 380 units of the development. No additional dedication will be required until the entire development exceeds 380 dwelling units.



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Amendment to General Development Plan #132 known as Volunteers of America senior Housing by Volunteers of America. The applicant is proposing to amend the approved GDP by changing the types of housing units on the property mostly in the westerly half of the property.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32 feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posted "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Volunteers of America
In-Site Architects



we pledge. we deliver

251

November 20, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Amendment to General Development Plan #132 by Volunteers of America known as Volunteers of America Senior Housing to amend the GDP by changing the types of housing units on the property.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. Static water pressures within this area will range from the upper 40's to upper 60's PSI.
2. A substantial amount of the existing public water main within this property must be relocated at each phase of development per our requirements to accommodate the new layouts.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

A handwritten signature in black ink that reads 'Donn Richardson'.

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Volunteers of America
Kirk Velett, In-Site Architects



ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

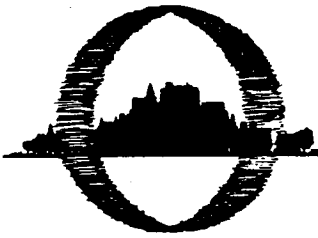
FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application to AMEND General Development Plan #132, on the Volunteers of America property, platted as The Homestead. The following are Public Works comments on the GDP Amendment:

1. A Development Agreement has been executed for this Property.
2. With the exception of Storm Water management for any areas that do not drain to approved on-site facilities, and Traffic Signs, all other development charges for this Property have been addressed in, and paid through the City-owner Contract process for Ph I & Ph II of The Homestead.
3. The relocation and / or extension of public utilities will require the execution of a City-Owner Contract prior to construction.

253



COUNTY OF
Olmsted

PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

November 24, 2003

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America and has the following comment:

- ***Access to Crimson Ridge Second Subdivision and Volunteers of America shall be combined as approved by access permit.***

Sincerely,

Michael Sheehan
County Engineer

MTS/ss



T:\PWDATA\ENG\INDOC\PLANZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

254



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

GENERAL DEVELOPMENT PLAN

REFERRAL RESPONSE

DATE: November 21, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Kirk Velett (In-site Architects)

RE: **VOLUNTEERS OF AMERICA
THE HOMESTEAD
GENERAL DEVELOPMENT PLAN #132 AMENDED**

A review of the **GDP** has turned up the following **ROADWAY** or **ADDRESS** related issues:

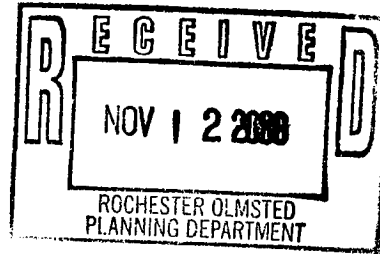
- 1. The official designation of all public and/or private roadways must have approval of the GIS/E911 Addressing Staff.**
- 2. Supplementary Address Signage and the incurred costs may be required to eliminate complicated or confusing addressing situations. This signage must be coordinated with the GIS/ E-911 Addressing Staff in cooperation with the Rochester Fire Department. If required, this signage will be determined at the time of address review.**

in-site architects

25

November 11, 2003

Planning Department
City of Rochester / Olmsted County
2122 Campus Drive SE
Rochester, MN 55904



Re: **Submittal for Amendment to the General Development Plan**
Volunteers of America / Presbyterian Homes Campus
55th Street NW and 18th Ave NW

Volunteers of America / Presbyterian Homes is requesting an amendment to the General Development Plan approval for their senior housing campus at 55th Street NW and 18th Ave NW. We believe the amended GDP site plan continues to meet or exceed all criteria established in the approved GDP.

The accompanying amended site plan includes a comparative data table of the original GDP and the proposed GDP. Highlights of the proposed amended GDP:

1. Providing a lower density development on the western side of the ponds adjacent to existing single family properties. Dwelling unit count on the west portion has gone down from 172 units to 104 units.
2. Providing lower buildings on the western portion of the property with a maximum two story height.
3. Decreased commercial property from 6.46 acres to 4.1 acres.
4. Decreased commercial building area from 55,000 sf to 40,000 sf.
5. Increased total units, including future skilled nursing, by 17 units from 442 to 459 dwelling units (3.8% increase).
6. No affect on storm management ponds or park trails.
7. No affect on utilities currently constructed (other then some internal relocation).
8. No affect on residential external property setbacks. Internal setback minimum is 25 feet to storm management pond high water level.
9. No affect on external buffer yards.

Given the many enhancements this design provides we request that approval be given for the amended General Development Plan.

25

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-5-04

257

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-9
ITEM DESCRIPTION: <i>Zoning District Amendment #03-26 by L. B. Electric to re-zone approximately 2.95 acres from H (Holding) to R-1 (Mixed Single Family) district. The property is located east of 40th Ave. SE, south of TH 14.</i>		PREPARED BY: Mitzi A. Baker, Senior Planner

December 18, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 14, 2003, to consider this petition.

The Planning Commission recommends approval to re-zone the property as petitioned, with staff findings. The motion carried 7-0.

Planning Staff Recommendation:

See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. Yaggy Colby Associates
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday January 5, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

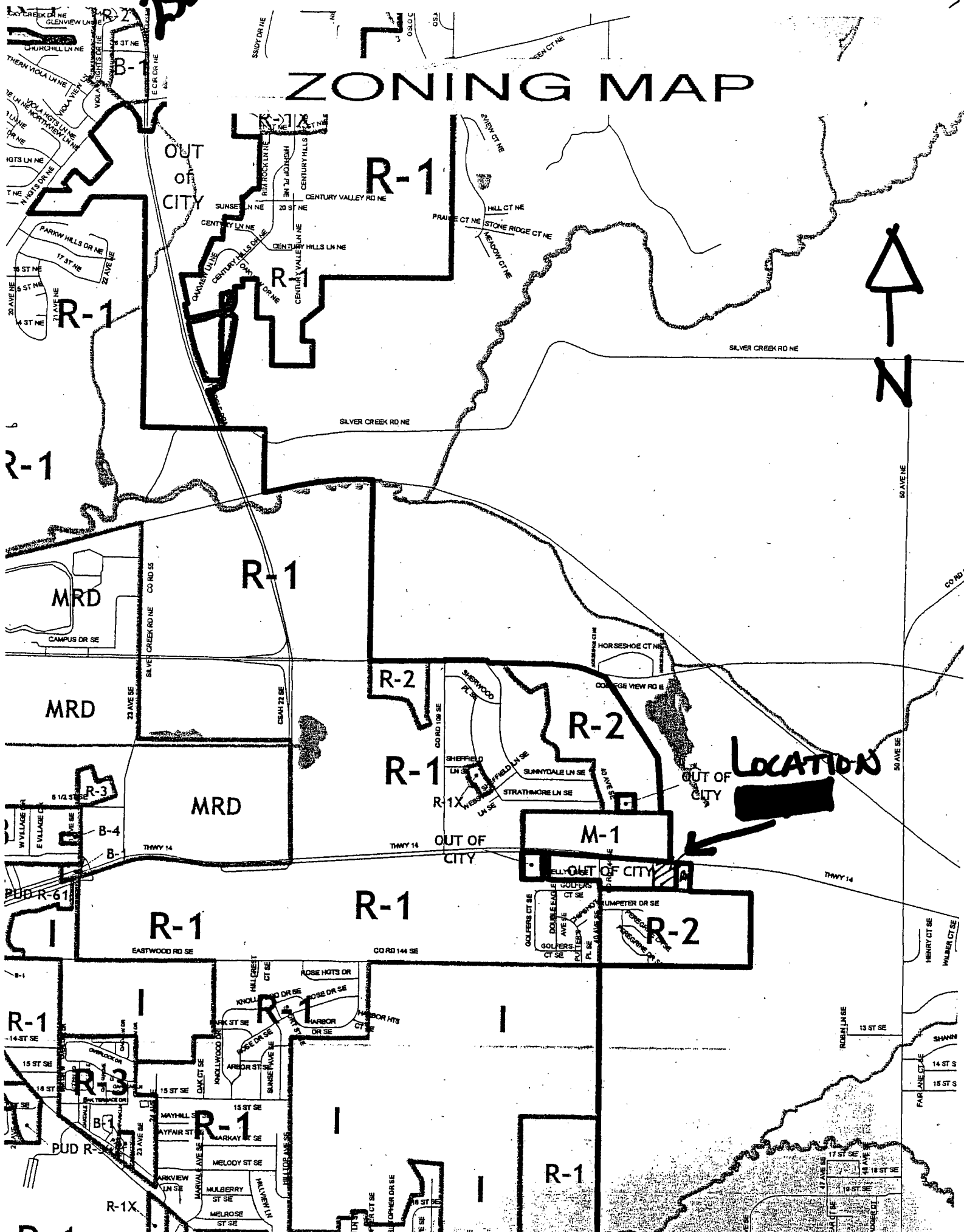
COUNCIL ACTION:

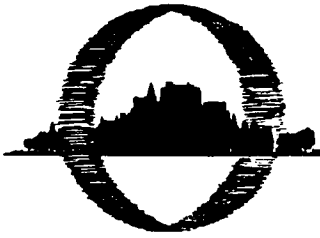
Motion By:

Seconded By:

Action:

256





ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: December 4, 2003

RE: Zoning District Amendment #03-26 by Larry Brown and L.B. Electric to re-zone approximately 3 acres of land from the H-Holding Zone to the R-1 (Mixed Single Family) district. The property is located along the south side of TH 14, east of 40th Ave. SE.

Planning Department Review:

Petitioner: Larry Brown/L.B. Electric
6556 70th Ave. NE
Rochester, MN 55906

Location of Property: The property is located along the south side of TH 14, east of 40th Ave. SE.

Requested Action: The applicant requests 2.95 acres of land be re-zoned from H (Holding) to R-1 (Mixed Single Family Residential).

Existing Land Use: The property is currently platted but undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use: The applicant is proposing to develop this site with an electrical trade shop.

Adjacent Land Use and Zoning: East: Property zoned R-1 (Mixed Single Family) and undeveloped. The property is zoned R-1 in the City of Rochester.

South: A townhouse development within the Valley Side Estates development, which is, zoned R-2 (Low Density Residential) on the City of Rochester Zoning Map.

North: Across Highway 14 East is single family residence, vacant land and commercial use. The vacant land is zoned





M-1 in the City of Rochester while the land is zoned Industrial in Olmsted County.

West: A single family home currently in Olmsted County zoned A-4.

Transportation Access:

Access to this property will be from a frontage road, which connects to Highway 14 East. Highway 14 East is identified as an access controlled expressway on the Long Range Thoroughfare Plan.

The future plans for Highway 14 East includes creating this segment of the highway to four lanes and converting the frontage road access to a right-in/right-out only. Tentative scheduling of the improvements is scheduled for sometime in 2012-2015.

Wetlands:

There do not appear to be wetlands on this site, according to the National Wetland Indicator (NWI) or Soil maps.

Neighborhood Meeting:

A neighborhood meeting was is not required for zoning the property R-1 (Mixed Single Family).

Referral Comments:

See attached.

Report Attachments:

1. Location Map
2. Area Zoning Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

2d

Finding for Proposed R-1: *The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. At the time of annexation, the property was placed in the H (Holding) zone, to provide the applicant the opportunity to file a Land Use Plan and Zoning District amendment to designate the property B-4 (General Commercial). Staff was not able to support the amendments and the applicant withdrew the petitions. The present zoning (H) is inconsistent with the policies and goals of the Land Use Plan.*

If the property had not been placed in the H (Holding) district at the time of annexation, it would have appropriately defaulted to the R-1 (Mixed Single Family) District.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Finding for Proposed R-1: *Permitted residential uses could be appropriate on this property if buffered adequately from TH 14. Permitted low intensity non-residential uses could be appropriate on this property and compatible with adjacent properties with buffers.*

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Proposed R-2: *The amendment to R-1 would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.*

Staff Recommendation:

Findings can be made to support this request. If the property had not been placed in the H (Holding) district at the time of annexation, it would have appropriately defaulted to the R-1 (Mixed Single Family) District.

*** Zoning District Amendment #03-26 by Larry Brown and L.B. Electric to re-zone approximately 3 acres of land from the H-Holding Zone to the R-1 (Mixed Single Family) district. The property is located along the south side of TH 14, east of 40th Ave. SE.**

AND

Restricted Development Conditional Use Permit #03-61 and Substantial Land Alteration, by Larry Brown and L.B. Electric. The applicant is proposing to develop approximately 3 acres of land with a Trade Shop use. Additionally, the applicant is requesting approval for a Substantial Land Alteration permit to modify the grades by 10 feet or more near the southern portion of the site. The property is located along the south side of TH 14, east of 40th Ave. SE.

Ms. Mitzi A. Baker presented the staff reports, dated December 3, 2003 and December 4, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that it seemed reasonable to rezone the property to the R-1 zoning district, since that is what property normally is zoned when being annexed into the City.

Ms. Baker suggested that condition number 3 be stricken since the Ordinance already addresses how amendments to this plan need to be addressed.

Mr. Burke asked if the plan showed as built.

Ms. Baker responded that they obtained an interim grading permit as long as they do not exceed 10 feet of grade change.

Mr. Mike Forret, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN 55904), addressed the Commission. He stated that the applicant is in agreement with all the staff-recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-26 by Larry Brown and L.B. Electric with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 9-0.

Ms. Petersson moved to recommend approval of the Substantial Land Alteration by Larry Brown and L.B. Electric with the staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 9-0.

Mr. Quinn moved to recommend approval of Restricted Development Conditional Use Permit #03-61 by Larry Brown and L.B. Electric with the staff-recommended findings and conditions (striking number 3). Mr. Haeussinger seconded the motion. The motion carried 9-0.

CONDITIONS:

- 1. Site Appearance Standards for a Trade Shop in the B-1 zoning district shall be used to determine zoning compliance except for the following:**

263

- A. A Bufferyard Indicator of VII shall be used when screening the proposed use from the adjacent properties.
- B. Allow wall signage to have internal lighting.
- C. Only allow wall signage on the north wall of the building.
2. No exterior storage of materials and equipment.
3. ~~Any future change of use or expansion of the proposed use will require review through the Type II process.~~
4. Project must comply with referral requirements of Rochester Public Works, dated November 26, 2003, and Rochester Fire Department, dated November 26, 2003.
5. The location of the future garage, as identified on the site plan, must be located outside all utility easements and required bufferyards.
6. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
7. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16th Street SE and has an address is 1600 Marion Road SE.

Mr. Brent Svenby presented the staff report, dated December 1, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that, when the staff report was written, staff had the impression that the motel was used as a multi-family apartment building. However, the applicant contacted them and indicated that it is still used as a motel. Despite this detail, staff is still not recommending approval of the application.

Ms. Wiesner asked if rezoning the property would allow them to do this.

Mr. Svenby stated that the rezoning criteria would need to be reviewed.

Ms. Baker explained that staff compared the site to a property if it were zoned R-3. It did not comply with the development standards. Therefore, to intensify the use would be contrary to the Ordinance.

Ms. Wiesner asked if it would work in the B-5 zoning district.

15

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-5-04

205

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-10
ITEM DESCRIPTION: <u>Restricted Development Conditional Use Permit #03-61 and Substantial Land Alteration</u> , by Larry Brown and L.B. Electric. The applicant is proposing to develop approximately 3 acres of land with a Trade Shop use. Additionally, the applicant is requesting approval for a Substantial Land Alteration permit to modify the grades by 10 feet or more near the southern portion of the site. The property is located along the south side of TH 14, east of 40 th Ave. SE.		PREPARED BY: Mitzi A. Baker, Senior Planner

December 30, 2003

NOTE: See CPZC minutes from previous ZC hearing.

Waiver of Final Plan: The applicant requests that the City Council waive the Final Plan phase for this application, in accordance with Section 60.532, 6 of the Rochester Zoning Ordinance and Land Development Manual.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 14, 2003, to consider this petition.

The Planning Commission recommends approval of Restricted Development #03-61, with staff findings & conditions. The motion carried 7-0. The Commission recommended the following conditions:

1. Site Appearance Standards for a Trade Shop in the B-1 zoning district shall be used to determine zoning compliance except for the following:

- a. A Bufferyard Indicator of VII shall be used when screening the proposed use from the adjacent properties.
- b. Allow wall signage to have internal lighting.
- c. Only allow wall signage on the north wall of the building.

2. No exterior storage of materials and equipment.

3. Any future change of use or expansion of the proposed use will require review through the Type II process.

4. Project must comply with referral requirements of Rochester Public Works, dated November 26, 2003, and Rochester Fire Department, dated November 26, 2003.

5. The location of the future garage, as identified on the site plan, must be located outside all utility easements and required bufferyards.

6. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

7. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

COUNCIL ACTION:		
Motion By:	Seconded By:	Action:

Waiver of Final Plan: Staff recommends approval to waive the final plan phase for this development, as requested by the applicant. Plans submitted are sufficient in nature; waiver would not interfere with the purpose and intent of the Ordinance so long as the applicant agrees to the conditions specified in this RCA (the applicant did agree to the conditions at the Planning Commission meeting).

Council Action Needed:

*The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on **Restricted Development** permit AND **Substantial Land Alteration**.*

*If the Council wishes to **waive the Final Review** phase for this development, the motion shall include waiver of the **Final Plan**, in accordance with **Section 60.532** of the LDM.*

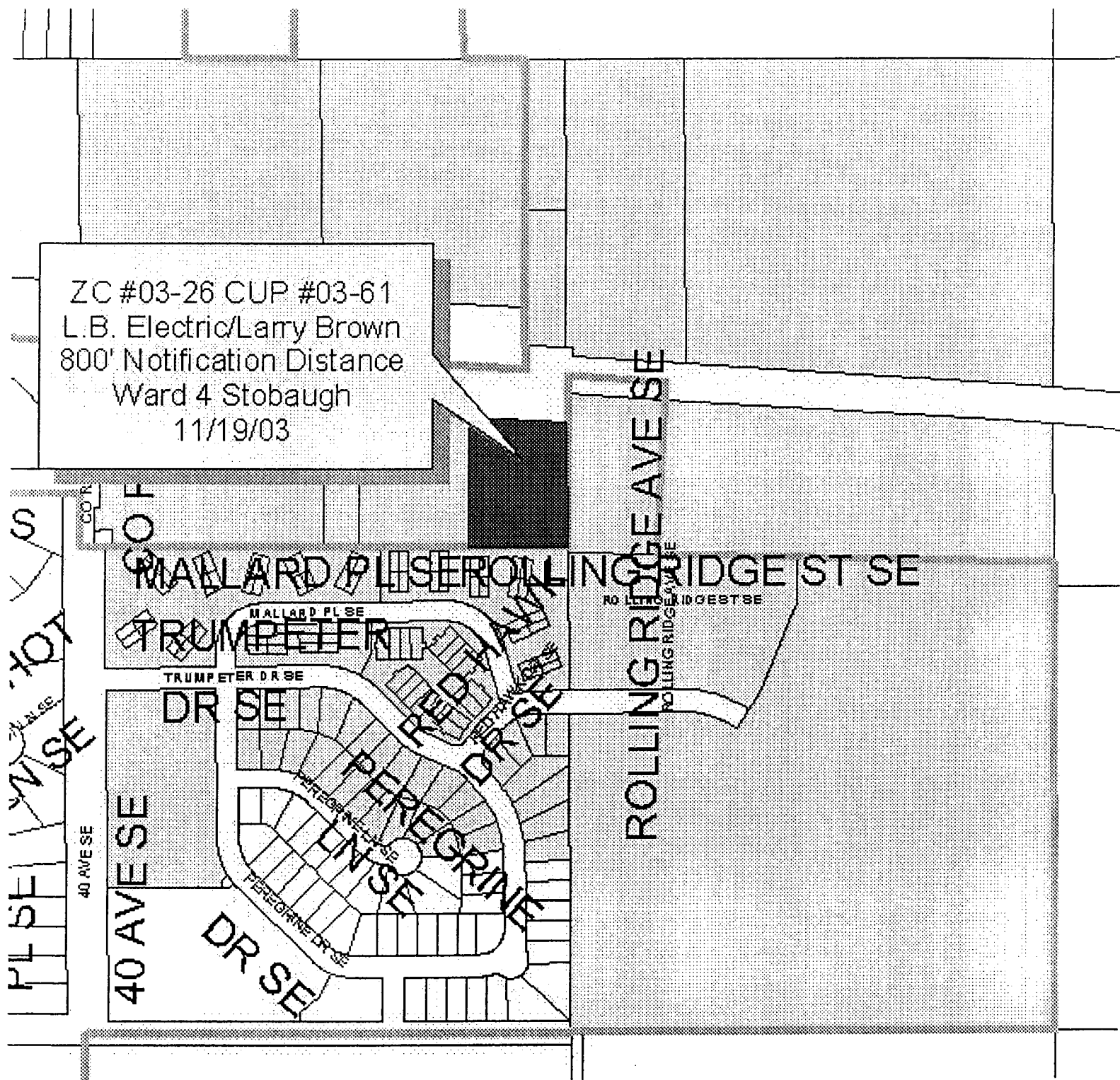
Planning Staff Recommendation:

See attached staff report.

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. Yaggy Colby Associates.
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday January 5, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

ZC #03-26 CUP #03-61
L.B. Electric/Larry Brown
800' Notification Distance
Ward 4 Stobaugh
11/19/03



268



COUNTY OF
Olmsted

ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



TO: City Planning & Zoning Commission

FROM: Randy Klement, Planner *R.K.*

DATE: December 3, 2003

RE: Restricted Development Conditional Use Permit #03-61 by Larry Brown d.b.a. L.B. Electric to construct a commercial building for a Trade Shop Use in the R-1 Mixed Single Family Zoning District.

Planning Department Review

Applicant: Larry Brown
D.B.A L.B. Electric
6556 NE 70th Avenue
Rochester, MN 55906

Property Location: The property is located on the south side of TH 14 East; North of Valley Side Subdivision and East of 40th Avenue SE and

Zoning: The property is zoned R-1 (Mixed Single Family Residential) on City of Rochester Zoning map.

Adjacent Zoning: This property abuts land on the west and east that is outside of the city limits and designated as Low Density Residential; abuts land on the south zoned R-2 (Low Density Residential) and abuts Hwy 14 East to the north.

Summary of Proposal: The applicant is proposing to construct a 4,955 square foot commercial building that will be used as an Electrical Trade Shop.

Referral Agency Comments: Attached

Attachments: Location Map
Site Map



EXPLANATION OF APPLICATION AND REVIEW PROCEDURE:

The applicant is proposing to construct a 4,955 square foot commercial building that will be used as an Electrical Trade Shop. The height of the proposed building will be approximately 19 feet. The floor plan indicates that the building will be used mainly for offices and warehouse, with no retail sales or display area.

The Restricted Development allows certain mixtures of land uses which are not allowed within a given zoning district on a permitted or conditional basis which can, if regulated, serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standard zoning regulations. The regulations of this article recognize and provide encouragement for innovation and experimentation in the development of land that would otherwise not be possible under the zoning district regulations established by this ordinance.

STAFF COMMENTS: The site summary on the site plan submitted by the applicant applies the Standards for a Trade Shop in the B-4 Zoning District to determine zoning compliance. Staff recommends that Standards for a Trade Shop in the B-1 Zoning Districts be used to determine zoning compliance. Listed below are the Standards for both zoning districts.

- 1) **Height:** The maximum height in the B-4 zoning district is 40 feet.
The maximum height in the B-1 zoning district is 30 feet.
- 2) **Setbacks:** Same for both zoning districts.
- 3) **Landscape Area:** B-4 zoning district requires 10% landscape area.
B-1 zoning district requires 12% landscape area.
- 4) **Floor Area Ratio:** Same for both zoning districts
- 5) **Hours of Operation:** B-4 zoning district has no restrictions.
B-1 zoning district is 6:00am-10pm.
- 6) **Exterior Lighting Standard:** Standard D applies in the B-4 zoning district.
Standard B applies in the B-1 zoning district.
(copy of Standards attached)
- 7) **Exterior Sign Regulations:** Standard C applies in the B-4 zoning district.
Standard B applies in the B-1 zoning district, with additional area allowed if the use has frontage along a higher order roadway.
(copy of Standards attached)
- 8) **Exterior Storage Regulations:** Standards T, S (50%) applies in the B-4 district.
Standards T, A applies in the B-1 district.
(copy of Regulations attached)
- 9) **Bufferyard Indicator:** Bufferyard Indicator of VII in the B-4 zoning district.
Bufferyard Indicator of VI in the B-1 zoning district.

CRITERIA & ANALYSIS:

Sections 62.706 and 62.708 (1) of the Zoning Ordinance set forth the standards upon which a Restricted Development Preliminary Plan is to be evaluated. The Council shall approve a preliminary plan if it finds that the development has addressed and satisfied all of the applicable criteria, or that a practical solution consistent with the public interest can be incorporated into the final plan. Please see the attached excerpt from the Rochester Zoning Ordinance and Land Development Manual for the applicable criteria.

The staff suggests the following findings for each of the 11 criteria on which the Preliminary Development Plan is to be evaluated:

- a) **Capacity of Public Facilities:** *City sewer and water, and other utilities will serve the site.*
- b) **Geologic Hazards:** *There are no known geologic hazards on the property.*
- c) **Natural Features:** *There are no known unique natural features at the site.*
- d) **Residential Traffic Report:** *Access to the site will be from TH 14 East.*
- e) **Traffic Generation Impact:** *The anticipated traffic will not substantially increase the capacity of the adjacent roadways.*
- f) **Height Impacts:** *This development should not impact the adjacent properties. The height of the proposed building will be approximately 19 feet and will be screened along the east, west and south sides.*
- g) **Setbacks:** *The proposed building will meet all setback requirements. However, the location of future garage identified on the site would encroach into the 30-foot bufferyard along the south side of the property. No structure is allowed to encroach into a bufferyard. The location of the future garage will need to be located outside of all required bufferyards and easements.*
- h) **Internal Site Design:** *A 25-foot wide bituminous driveway will provide access to the building and bituminous parking lot. Drive aisle and parking space dimensions comply with the requirements of the zoning ordinance..*
- i) **Screening and Buffering:** *Buffering is required along the east, west and south property lines. Staff recommends that the proposed Trade Shop use a Bufferyard Indicator VII for screening of the adjacent properties.*
- j) **Ordinance Requirements:** *The proposed development includes adequate number of off-street parking spaces.*

- k) **General Compatibility:** *The proposed use of the site does not significantly change the appearance of the property. The character of the surrounding neighborhood should not be affected by this proposed use.*

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, 2, a) of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 61.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a final plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

Staff Suggested Findings for Substantial Land Alteration:

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggest the following findings for those two items:

#13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

#14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) *Not applicable.*
- 2) *Not applicable.*
- 3) *Not applicable.*
- 4) *The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.*
- 5) *Not applicable.*
- 6) *Not applicable.*
- 7) *Not applicable.*
- 8) *Not applicable.*

STAFF RECOMMENDATION:

Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon staff review and the analysis included above, staff recommends approval of this application subject to the following conditions:

1. ***Site Appearance Standards for a Trade Shop in the B-1 zoning district shall be used to determine zoning compliance except for the following:***
 - a. ***A Bufferyard Indicator of VII shall be used when screening the proposed use from the adjacent properties.***
 - b. ***Allow wall signage to have internal lighting.***

- c. Only allow wall signage on the north wall of the building.*
- 2. No exterior storage of materials and equipment.*
 - 3. Any future change of use or expansion of the proposed use will require review through the Type II process.*
 - 4. Project must comply with referral requirements of Rochester Public Works, dated November 26, 2003, and Rochester Fire Department, dated November 26, 2003.*
 - 5. The location of the future garage, as identified on the site plan, must be located outside all utility easements and required bufferyards.*
 - 6. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
 - 7. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*

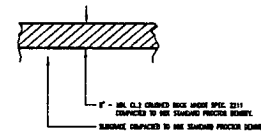
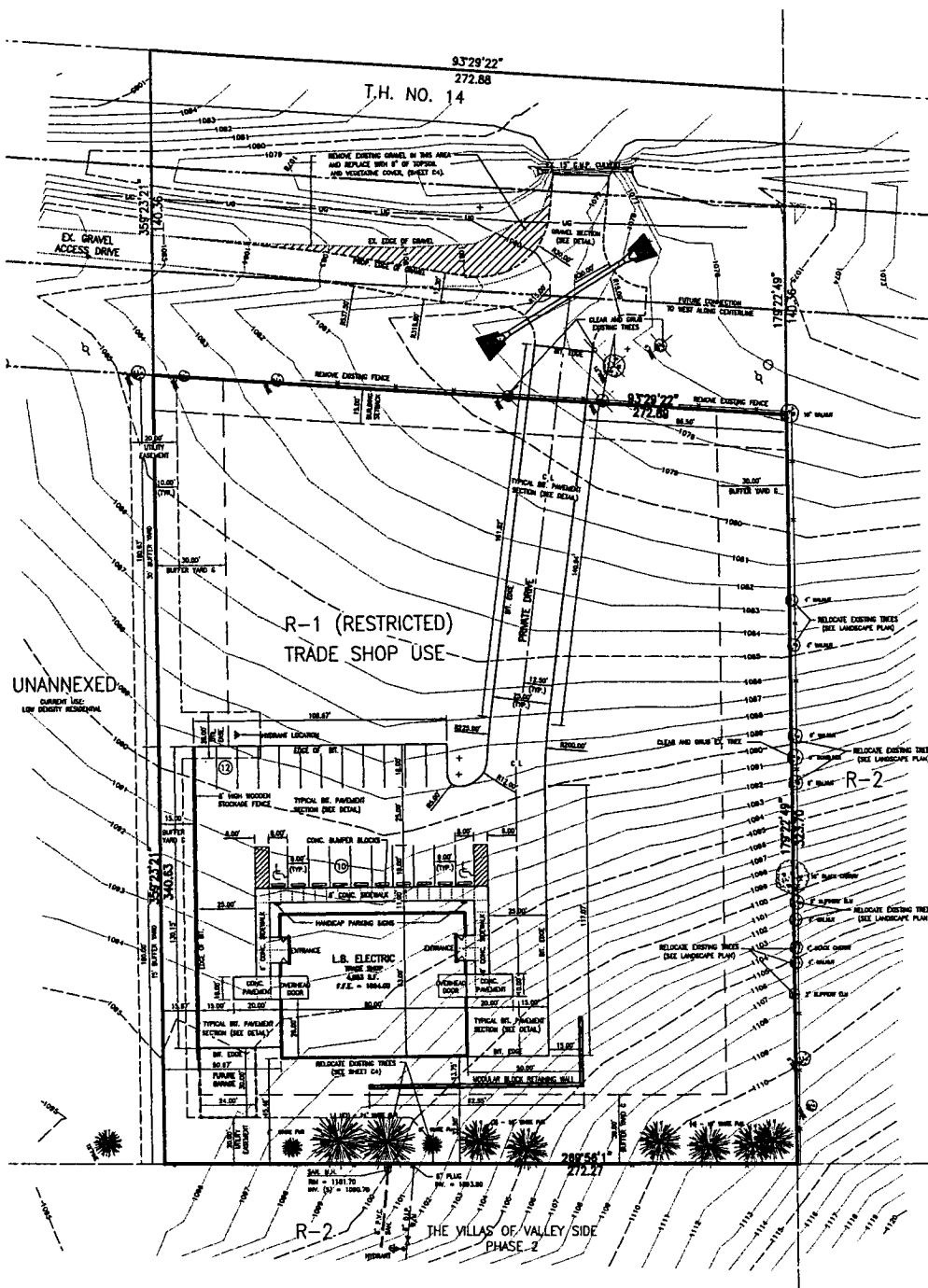
Section 60.532, 6 of the LDM allows the City Council to waive subsequent review phases in a multi-phase review process if requested by the applicant, and upon making findings consistent with that Section of the Ordinance.

The applicant has requested that the City Council waive the requirement for the Final Plan review for this project to expedite construction of the project.

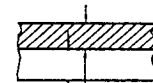
Excerpt from the Rochester Zoning Ordinance & Land Development Manual

- 62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708(1), or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.
- 62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:
- 1) **Preliminary Development Plan Criteria:**
 - a) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
 - b) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
 - c) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
 - d) **Residential Traffic Impact:** When located in a residential area, the proposed development:
 - 1) Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2) Will not generate frequent truck traffic on local residential streets;
 - 3) Will not create additional traffic during evening and nighttime hours on local residential streets;
 - e) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
 - f) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

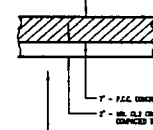
- 1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;
 - 2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
- g) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
 - h) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
 - i) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
 - j) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
 - k) **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.



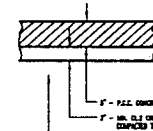
TYPICAL GRAVEL SECTION



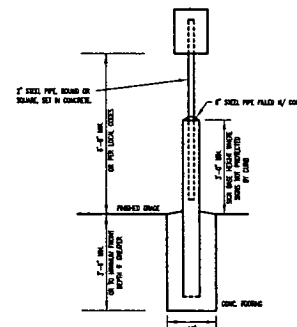
TYPICAL BIT. PAVEMENT SECTION



TYPICAL CONC. PAVEMENT SECTION



TYPICAL SIDEWALK SECTION



HANDICAP SIGNAGE DETAIL

LEGAL DESCRIPTION

ALL THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION FOUR IN TOWNSHIP 12N RANGE 12 WEST, AS FOR CORPORATE OF SURVEY DRAWN FROM DEED ON FILE AT THE COUNTY RECORDERS OFFICE IN OLSTED COUNTY, MINNESOTA.

OWNER

L.B. ELECTRIC
6556 70TH AVENUE NE
ROCHESTER, MN 55908
CONTACT: LARRY BROWN (507)282-5924

SITE SUMMARY

TOTAL BUILDING AREA:	4,955 S.F.
IMPERVIOUS SURFACE AREA:	24,075 S.F.
GREENSPACE AREA:	66,350 S.F.
TOTAL SITE AREA:	90,425 S.F.
TOTAL SITE ACREAGE:	2.08 ACRES

BUILDING COVERAGE: 5.5% GREENSPACE: 1.5%

FLUSH AREA: 17,000 TOTAL C.F.A.: 0.37 F.A.R. 8-4 MAXIMUM F.A.R. = 0.50

PARKING CALCULATIONS: 18-4 APPLIED

1 PER EMPLOYEE ON LARGEST SHOP 17 AND 1000 S.F. CUSTOMER SALES

14 EMPLOYEES LARGEST SHOP 17 AND 1000 S.F. CUSTOMER SALES

TOTAL PARKING STALLS REQUIRED = 14 HANDICAP SPACES = 2

PARKING STALLS PROVIDED = 22

ZONING CLASSIFICATION: R-1 RESTRICTED, (18-4 APPLIED)

EXTERIOR LIGHTING REGULATION STANDARD: D

SIGN REGULATION STANDARD: C

EXTERIOR STORAGE REGULATION STANDARD: T.V. 50%

BUFFER REQUIREMENTS: 15 FEET

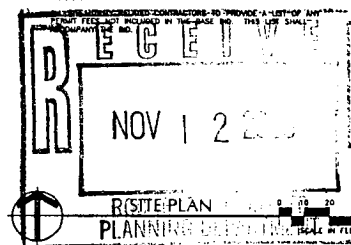
MIN. REQUIRED SIDE YARD: 0 FEET

MIN. SUM OF SIDE YARDS: 0 FEET

MIN. REAR YARD: 0 FEET

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO AND BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.
2. THE SPECIFICATIONS AS PREPARED BY YAGGY COLBY ASSOCIATES SHALL BE CONSIDERED A PART OF THESE DOCUMENTS AS IF BOUND HEREIN.
3. THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE ENGINEERING DEPARTMENTS AND UTILITY COMPANIES 72 HOURS PRIOR TO CONSTRUCTION. ALL NECESSARY PRECAUTIONS SHALL BE TAKEN TO AVOID DAMAGE TO ANY EXISTING UTILITY.
4. THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND ROCK ELEVATIONS ARE SHOWN IN AN APPROXIMATE MANNER ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS RESPECTIVE REPRESENTATIVE. THE CONTRACTOR SHALL OBTAIN THE EXACT LOCATION OF ALL EXISTING UTILITIES AND ROCK ELEVATIONS BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PROTECT ANY AND ALL UNDERGROUND UTILITIES AND ROCK ELEVATIONS.
5. THE CONTRACTOR SHALL VISIT THE SITE AND INSPECT THE PROJECT AREA AND THOROUGHLY FAMILIARIZE HIMSELF WITH THE ACTUAL JOB CONDITIONS PRIOR TO BEGINNING AND THE START OF ANY WORK. FAILURE TO VISIT THE SITE SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING THE WORK IN ACCORDANCE WITH THESE DRAWINGS.
6. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS, AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES, OMISSIONS, AND/OR CONFLICTS PRIOR TO PROCEEDING WITH THE WORK.
7. THE CONTRACTOR SHALL NOT SCALE DRAWINGS. DIMENSIONS SHALL GOVERN. LARGE SCALE DRAWINGS SHALL GOVERN OVER SMALL SCALE DRAWINGS. NOTES AND DETAILS ON THE DRAWINGS SHALL APPLY TO ALL SIMILAR CONDITIONS WHETHER THEY ARE REPEATED OR NOT.



YAGGY COLBY ASSOCIATES

114 RED CLARK STREET, SUITE 200, MINNEAPOLIS, MN 55401
761 2ND AVENUE, SUITE 200, MINNEAPOLIS, MN 55401
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YAGGY COLBY ASSOCIATES
 1111 1/2 AVENUE NE
 ROCHESTER, MN 55904
 PHONE: (507) 283-1234
 FAX: (507) 283-1234
 E-MAIL: YAGGY@YAGGYCOLBY.COM

DATE: 11-12-03
 DRAWN BY: M.S.F.

CHECKED BY: M.S.F.

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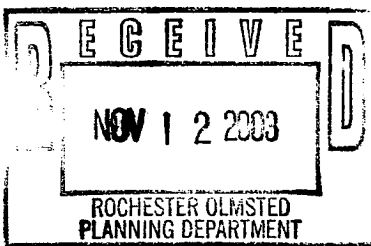
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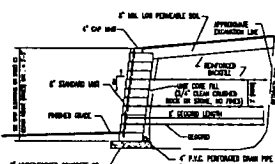
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AREA CALCULATIONS

TOTAL PROJECT AREA:	90,425 S.F.
EXISTING IMPERVIOUS AREA:	0 S.F.
PROPOSED IMPERVIOUS AREA:	23,600 S.F.
PROPOSED PERVIOUS AREA:	66,825 S.F.

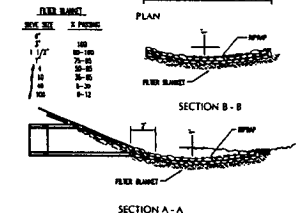
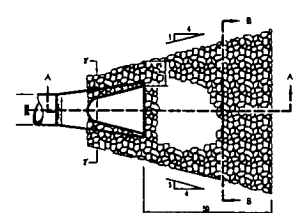


NOTE: RETAINING WALL SHALL BE CONSTRUCTED OF MODULAR BLOCK SHOWN UNLESS NOTED OTHERWISE IN THE FIELD.

NOTE: CONSTRUCTION SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE RETAINING WALL, INCLUDING GEO-GRID REINFORCEMENT AND DRAINAGE.

NOTE: RETAINING WALL SHALL MEET APPLICABLE LOCAL DRAINAGE CODES FOR DESIGN AND CONSTRUCTION.

MODULAR BLOCK RETAINING WALL



RIP-RAP AT R.C.P. OUTLETS

LEGAL DESCRIPTION

ALL THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION FOUR IN TOWNSHIP 140 NORTH RANGE 13 WEST, 40E OF COUNTY OF HUNTER BROWN FROM BEING ON FILE AT THE COUNTY RECORDS OFFICE IN QUINCY COUNTY, ILLINOIS.

OWNER

L.B. ELECTRIC
 8554 70TH AVENUE NE
 ROCHESTER, MN 55904
 CONTACT: LARRY BROWN (507)283-1234

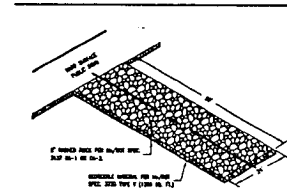
SYMBOLS LEGEND

- 5 FT. SHALE LINE
- DRAINAGE ARROWS
- EXISTING CONTOURS
- PROPOSED GRADING CONTOURS
- DITCH CHECK - SHALES (CITY STANDARD PLATE NO. 7-02)
- STABILIZED VEHICLE EXIT
- EROSION CONTROL BLANKET, WHDOT SPEC. 36A3, CATEGORY 2
- TURF REINFORCEMENT MAT, WHDOT SPEC. 36A3.2B2
- CLASS 3 RIP-RAP, 18" MAX. THICKNESS (INCLUDES FILTER BLANKET AS PER DETAIL)

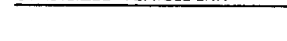
CONSTRUCTION NOTES

- EXISTING UTILITIES AND SERVICE LOCATIONS SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- GOOD IMPLEMENTATION, CONSISTENT MONITORING, AND THE MAINTENANCE OF ALL EROSION CONTROL MEASURES ARE CRITICAL TO MINIMIZE EROSION ON THIS CONSTRUCTION SITE.
- ALL EROSION AND POLLUTION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS.
- SEE REFERENCE SPEC. FOR ALL CONSTRUCTION DETAILING OR SPECIFICATIONS NOT SHOWN ON THIS PLAN. THE CONTRACTOR IS RESPONSIBLE FOR REVIEWING THE DETAILS PRIOR TO BID.
- RIP-RAP INLET AND OUTLET OF CULVERTS AS PER WHDOT SPEC. 2511.3 AND DETAIL PLATE NO. 2132C (R.C. CULVERT, CLASS 3).
- ALL GRADED SLOPES GREATER OR EQUAL TO 3:1 SHALL BE REINFORCED WITH EROSION CONTROL BLANKET AS PER WHDOT SPEC. 36A3.1, CATEGORY 2.
- THE CONTRACTOR IS TO PLACE 1" TOPSOIL ON AND SEED ALL DISTURBED AREAS AND ALL AREAS THAT ARE INDICATED ON THE PLAN TO RECEIVE EROSION CONTROL BLANKET AND TURF REINFORCEMENT MAT, WITH SEED MIX 808 (WHDOT SPEC. 3674.2) SHALL BE PLACED AS PER WHDOT SPEC. 2575 ACCORDING TO THE OUTLINE OF THE CHARTS.
- THE CONTRACTOR AND OWNER ARE RESPONSIBLE FOR OBTAINING AN IMPROVED STORMWATER DISCHARGE PERMIT FOR THIS SITE, INCLUDING APPLICATION FEES.
- THE OWNER ACKNOWLEDGES THAT SOME AREAS OF THE SITE ARE GRADED AT LESS THAN 2% SLOPES AND THAT LOCALIZED FLOODING MAY OCCUR IN THOSE AREAS. THE OWNER WILL ACCEPT ALL IMPACTS ASSOCIATED WITH THE FLATTER SLOPING AREAS.

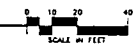
SILT FENCE DETAIL



STABILIZED VEHICLE EXIT

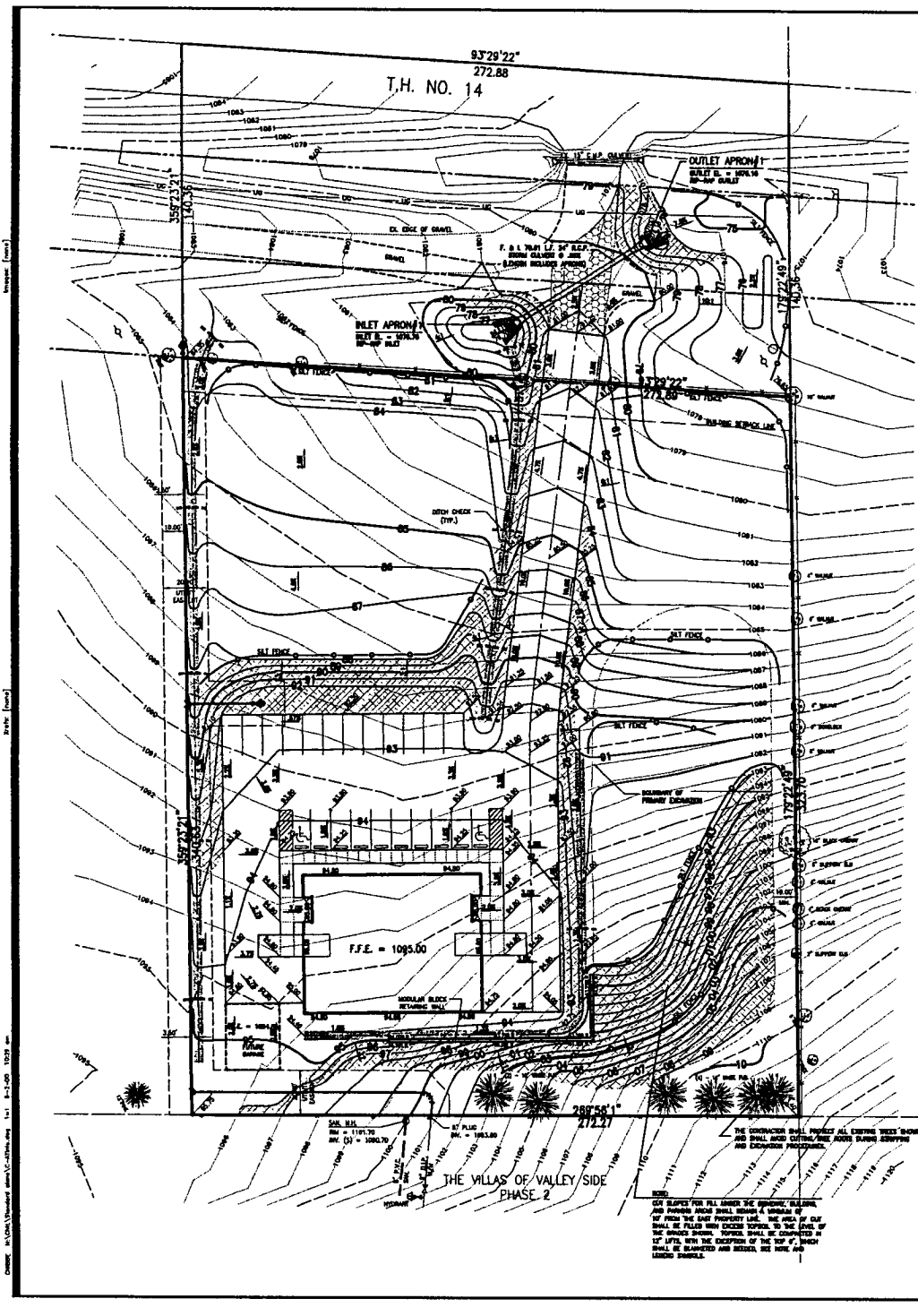


GRADING PLAN



PROJECT: 8393-03
 DRAWING: 8393RAD07 DWG
 DATE: 11-12-03
 DRAWN BY: M.S.F.
 CHECKED BY: M.S.F.
 ALL RIGHTS RESERVED

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YAGGY COLBY ASSOCIATES

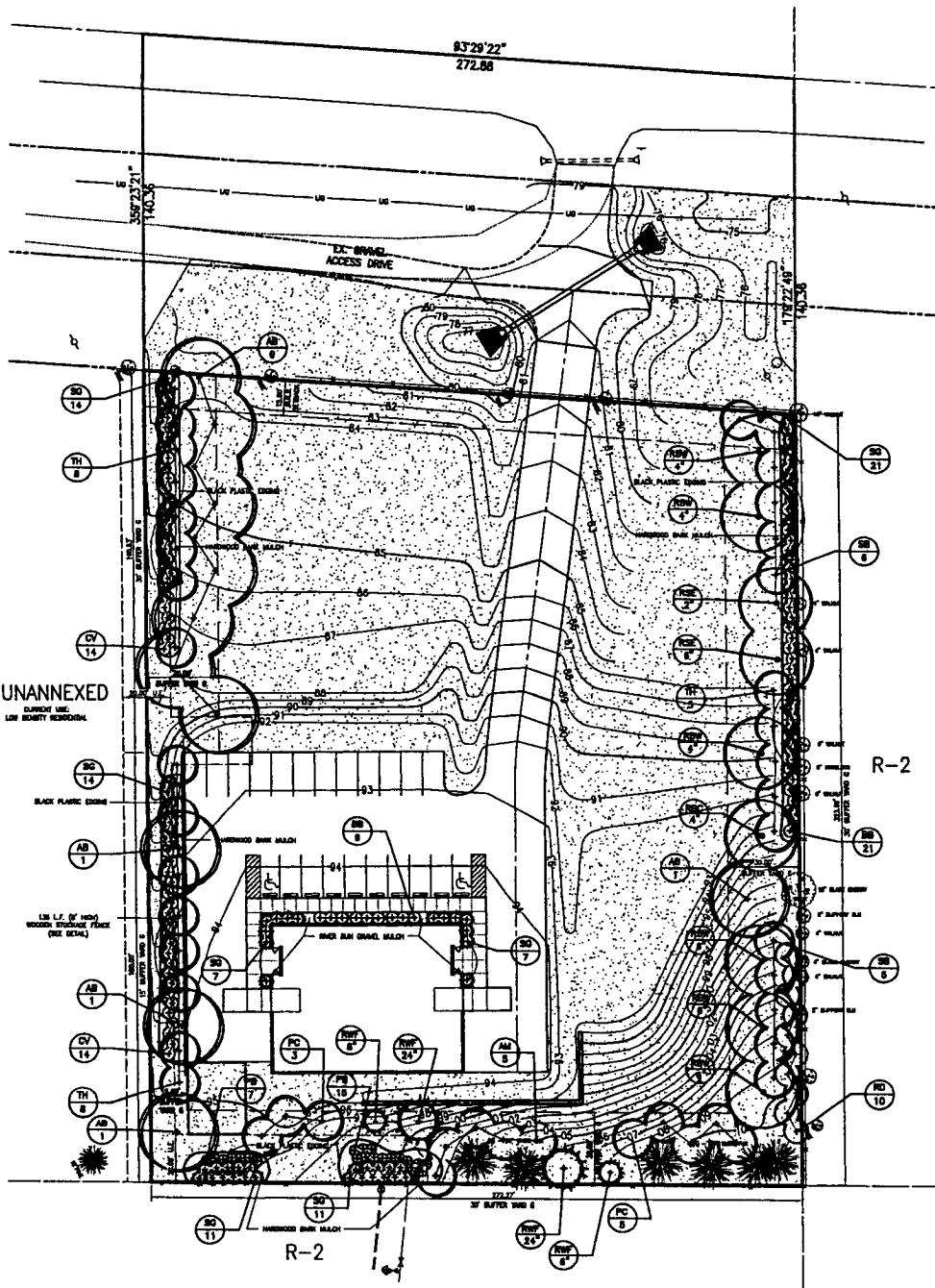
LANDSCAPE ARCHITECTS
 1111 E. 1ST ST. SUITE 200
 ROCHESTER, MN 55904
 TEL: 507.255.1234
 FAX: 507.255.1235
 WWW.YAGGYCOLBY.COM

DATE: 11-12-03
 DRAWN BY: M.S.F.
 CHECKED BY: D.R.A.

L.B. ELECTRIC
 ROCHESTER, MN
 LANDSCAPE PLAN

PROJECT: 8393-03
 CLIENT: L.B. ELECTRIC
 DATE: 11-12-03
 DRAWN BY: M.S.F.
 CHECKED BY: D.R.A.

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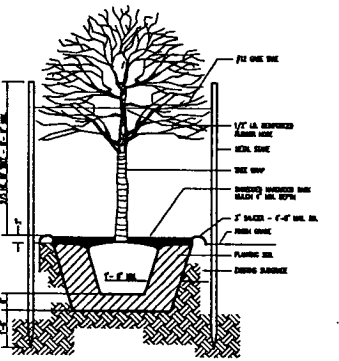
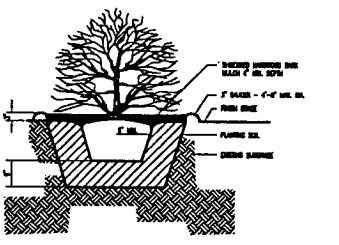
SYMBOLS LEGEND

- SHRUBBED BARK MULCH BED
- SEED BED
- RELOCATED MEDIANAL TREE (SPREAD AND HOLLOW)
- RELOCATED CONIFEROUS TREE (SPREAD AND HOLLOW)

PLANT SCHEDULE

KEY	COMMON NAME	SCIENTIFIC NAME	QTY.	SIZE
10	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
11	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
12	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
13	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
14	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
15	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
16	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
17	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
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44	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
45	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.
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100	ARJUN SLASH MULCH	Arjuna 'Arjuna' Bush	13	2-1/2" CAL.

REQUIRED PLANTINGS					PROVIDED	
WEST BUFFER	EAST BUFFER	SOUTH BUFFER	TOTAL	PLANTS PROVIDED (REFER TO PLANT SCHEDULE ABOVE FOR SPECIES)		
1" BAYBERRY 6	3" BAYBERRY 6	3" BAYBERRY 6	12	(2) (21) EXISTING EXISTING EXISTING (TO BE RELOCATED)	(2) (21) EXISTING EXISTING EXISTING (TO BE RELOCATED)	
QUANTITY REQUIRED	QUANTITY REQUIRED	QUANTITY REQUIRED	QUANTITY REQUIRED	QUANTITY REQUIRED	QUANTITY REQUIRED	
1	1	1	3	1	1	
2	2	2	6	2	2	
3	3	3	9	3	3	
4	4	4	12	4	4	
5	5	5	15	5	5	
6	6	6	18	6	6	
7	7	7	21	7	7	
8	8	8	24	8	8	
9	9	9	27	9	9	
10	10	10	30	10	10	
11	11	11	33	11	11	
12	12	12	36	12	12	
13	13	13	39	13	13	
14	14	14	42	14	14	
15	15	15	45	15	15	
16	16	16	48	16	16	
17	17	17	51	17	17	
18	18	18	54	18	18	
19	19	19	57	19	19	
20	20	20	60	20	20	
21	21	21	63	21	21	
22	22	22	66	22	22	
23	23	23	69	23	23	
24	24	24	72	24	24	
25	25	25	75	25	25	
26	26	26	78	26	26	
27	27	27	81	27	27	
28	28	28	84	28	28	
29	29	29	87	29	29	
30	30	30	90	30	30	
31	31	31	93	31	31	
32	32	32	96	32	32	
33	33	33	99	33	33	
34	34	34	102	34	34	
35	35	35	105	35	35	
36	36	36	108	36	36	
37	37	37	111	37	37	
38	38	38	114	38	38	
39	39	39	117	39	39	
40	40	40	120	40	40	
41	41	41	123	41	41	
42	42	42	126	42	42	
43	43	43	129	43	43	
44	44	44	132	44	44	
45	45	45	135	45	45	
46	46	46	138	46	46	
47	47	47	141	47	47	
48	48	48	144	48	48	
49	49	49	147	49	49	
50	50	50	150	50	50	
51	51	51	153	51	51	
52	52	52	156	52	52	
53	53	53	159	53	53	
54	54	54	162	54	54	
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56	56	56	168	56	56	
57	57	57	171	57	57	
58	58	58	174	58	58	
59	59	59	177	59	59	
60	60	60	180	60	60	
61	61	61	183	61	61	
62	62	62	186	62	62	
63	63	63	189	63	63	
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86	86	86	258	86	86	
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88	88	88	264	88	88	
89	89	89	267	89	89	
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LANDSCAPE CONSTRUCTION NOTES

1. ALL LANDSCAPING MATERIAL SHALL COMPLY WITH STATE AND LOCAL CONSTRUCTION STANDARDS.
2. CONTRACTOR SHALL BE REQUIRED TO MAINTAIN PLANTINGS FOR A PERIOD OF TWO



ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for Restricted Development Plan #03-61 for the proposed L.B. Electric commercial development. The following are Public Works comments on this request:

1. Grading & Drainage Plan approval is required prior to development. A Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP).
2. Surety in a form and amount determined by the City Engineer is required for restoration of the proposed Substantial Land Alteration being proposed for this project.
3. Prior to final CUP approval, the Owner shall execute a Development Agreement with the City to in part address the Owner's future obligations for the extension of watermain to the abutting easterly property owner, across the north line of this Property, as required by RPU Water.
4. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to future pedestrian facilities along the public frontage road. Said Agreement can be incorporated as an Exhibit to the Development Agreement.
5. The applicant has worked with Public Works staff regarding access to this site, and Public Works supports the proposed driveway location shown on the CUP plan.
6. Dedication of a utility easement to the west line of this Property is required to accommodate the future connection of the abutting Property to municipal sewer & water. In addition, execution of a 20 ft utility easement will be required to the north line of the Property.
7. Execution of a City-Owner Contract is required prior to construction of the proposed watermain and hydrant needed for this Property.

Charges/fees applicable to the development of this property are as follows (rates in place through 7/31/04):

- ❖ Water Availability Charge @ \$1851.12 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$2598.24 per developable acre
- ❖ Watermain Connection Charge – NA since the Owner is now obligated to extend Watermain across the frontage of their Property per RPU Water requirements.
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot x 80.00 feet (minimum connection frontage) = \$3,728.00
- ❖ Storm Water Management – TBD through the Grading Plan review and approval process.
- ❖ Southeast Transportation Improvement District (SE TID) - TBD



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 26, 2003

TO: Jennifer Garness, Planning (E-mail only)

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Restricted Development Conditional Use Permit #03-61 and Substantial Land Alteration, by Larry Brown and L. B. Electric. The applicant is proposing to develop approximately 3 acres of land with a Trade Shop Use.

With regard to the above noted project plan, the fire department has the following requirements:

1. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division (E-mail only)
Mark Baker, Rochester Public Works (E-mail only)
L. B. Electric
Yaggy Colby Associates (E-mail only)

Klement Randy

From: Donn Richardson [drichardson@rpu.org]
Sent: Wednesday, November 26, 2003 9:28 AM
To: klement.randy@co.olmsted.mn.us
Cc: mforret@yaggy.com; mroot@yaggy.com
Subject: Site Development Plan #03-62 for L.B. Electric building at 4210 Hwy 14 East

Randy,

I just received a modified plan from YCA that addresses all the issues I had on this development, so as far as RPU-Water is concerned this SDP is now approved. I will send you a copy of the approved plan.

Donn Richardson

Sr Engineering Tech.
Rochester Public Utilities - Water
(507) 280-1509

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 01-05-04

285

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM NO.

E-11

ITEM DESCRIPTION: Zoning District Amendment Petition #03-23 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H to B-4 to facilitate expansion of commercial lane uses currently occupied by Bob's Construction and rental storage buildings. A General Development Plan is being considered concurrent with this petition.

PREPARED BY:
Theresa Fogarty,
Planner

December 29, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on December 10, 2003 to consider the zone change request by Kelly and Kristi Madson to zone 7.94 acres to the B-4 (General Commercial) zoning district.

Mr. Josh Johnson of McGhie & Betts, Inc. addressed the Commission and stated that the applicant agrees with the staff-recommended conditions.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings.

**Mr. Burke moved to recommend approval of Zoning District Amendment #03-23 by Kelly and Kristi Madson, with staff-recommended findings. Mr. Ohly seconded the motion.
The motion carried 9-0.**

Planning Department Recommendation:

See attached staff report dated December 5, 2003.

Council Action Needed:

- 1. The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the staff report. If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law.***

Attachments:

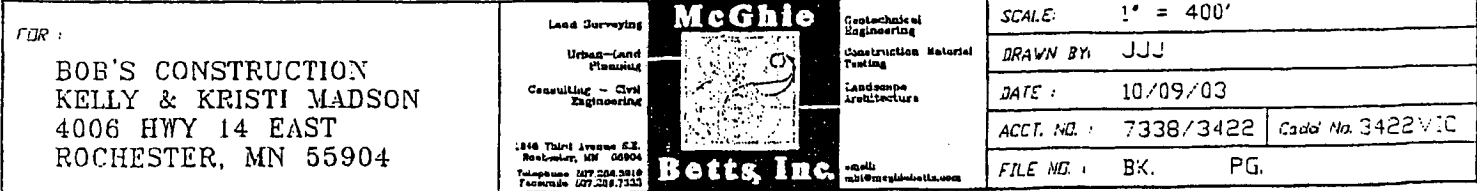
1. Staff Report dated December 5, 2003.
2. Minutes of the December 10, 2003 CPZC Meeting.

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

750



BOB'S CONSTRUCTION
KELLY & KRISTI MADSON
4006 HWY 14 EAST
ROCHESTER, MN 55904

Urban-Land
Planning
Consulting - Civil
Engineering

246 Third Avenue S.E.
Rochester, MN 55904
Telephone 612.284.3818
Telex 612.284.7133



Geotechnical Engineering
Construction Materials
Testing
Landscape Architecture

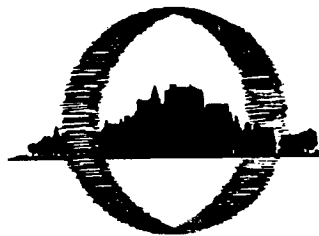
• info@magnumbulletin.com

DRAWN BY: JJJ

DATE : 10/09/03

ACCT. NO. : 7338/3422 Cado' No. 3422VIC

FILE NO. BK. PG.



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



287

TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 5, 2003

RE: Zoning District Amendment Petition #03-23 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H to B-4 to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. A General Development Plan is being considered concurrent with this petition.

Planning Department Review:

Petitioner:

Kelly and Kristi Madson
553 Hastings Lane NW
Rochester, MN 55901

Consultant:

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property:

The property is located at 4006 Highway 14 East, located east of 40th Avenue SE and south of TH 14 East.

Requested Action:

The applicant requests 7.94 acres of land be rezoned from H (Holding) to B-4 (General Commercial).

Existing Land Use:

This property is the location of Bob's Construction (General property improvements and siding replacement contractor) and rental (mini) storage buildings.

Proposed Land Use:

Expand the existing mini-storage facilities.

Adjacent Land Use and Zoning:

North: Peoples Cooperative Power, along the north side of US Highway 14, zoned M-1 (Mixed Commercial Industrial) on the City of Rochester Zoning Map.



**Adjacent Land Use and
Zoning (Continued):**

South: A platted subdivision, known as The Villas of Valleyside Subdivision, zoned R-2 (Low Density Residential) on the City of Rochester Zoning Map.

West: Zoned Highway Commercial District on the Olmsted County Zoning Map.

East: Unplatted land with a single family dwelling, zoned A-4 (Agricultural Urban Expansion)) on the Olmsted County Zoning Map.

Transportation Access:

Access to this site would be from 40th Avenue SE.

The proposed zone change and general development plan raised some concerns of extra traffic expected from the proposed addition to its current activity. Currently, the intersection of 40th Avenue SE and TH 14 is operating at capacity. It is estimated that approximately 160 additional daily trips may be generated from the proposed additional development.

Given the way the proposed development access on 40th Avenue SE will operate, and working under the assumption that the use will generate relatively low level traffic (160 daily trips), it is expected that the Level of Service at this intersection will meet standards of the LDM. However, if it is decided to further expand or reconstruct the entire site, preparation of a Traffic Impact Report (TIR) shall be prepared as required under Section 61.523 (3a & 3d) of the Land Development Manual.

Future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT encourages the Developer/City of Rochester to construct an access and/or City Street to align with Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. There are no hydric soils within this zone change request.

Referral Comments:

1. Rochester Public Works Department
2. MN Department of Transportation
3. Planning Department – Transportation staff

Report Attachments:

1. Proposed Zoning Map / Location Map
2. Referral Comments (3 letters)
3. Neighborhood Meeting notes

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) **The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:**
 - a) **The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;**
 - b) **The area was originally zoned erroneously due to a technical or administrative error;**
 - c) **While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or**
 - D) **The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.**

This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. Land Use designations within this area are considered to be "Commercial". Rezoning this property to the B-4 (General Commercial) district is consistent with the land use plan and would serve to better further the policies and goals of the Comprehensive Plan. Rezoning the property promotes the development of commercial uses consistent with the Land Use Plan.

- 2) **The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:**
 - a) **the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and**

The B-4 zoning will be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

- b) **the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).**

The proposed amendment does not involve spot zoning since it is consistent with the policies of the Comprehensive Plan.

Staff Recommendation:

Based on the above-mentioned findings, it would appear that this zoning district amendment would meet the above criteria.

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for General Development Plan #220 & ZONE#03-23 for the Bob's Construction (Kelly & Kristi Madson property). The following are Public Works comments on this request:

1. Grading & Drainage Plan approval is required prior to any new development of this Property. A Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
2. The GDP narrative indicates utilities being accessed from the South, however the sewer & water available to serve this property is located in 40th Ave SE at the Kelly Ln SE intersection.
3. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to future pedestrian facilities along the frontages of this Property.
4. Future redevelopment of this property may require the relocation of the access driveway to align directly across 40th Ave SE from Kelly Ln SE.
5. The Owner is obligated to extend utilities across this property to the abutting property to the east. Prior to any additional development / redevelopment of this Property the Owner's obligations will be addressed in a Development Agreement. Execution of a City-Owner Contract is required prior to the construction of any public infrastructure to serve this Property.

Charges/fees applicable to the development of this property are as follows (rates in place through 7/31/04):

- ❖ Water Availability Charge @ \$1851.12 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$2598.24 per developable acre
- ❖ Watermain Connection Charge – NA, extension of public watermain is required in the future at the Owner's expense.
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot x 80.00 feet (minimum connection frontage) = \$3,728.00
- ❖ Storm Water Management – TBD through the Grading Plan review and approval process.
- ❖ Southeast Transportation Improvement District (SE TID) - TBD



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355
E-mail: dale.maul@dot.state.mn.us

November 14, 2003

Jennifer Garness
Rochester – Olmsted Planning Department
2122 Campus Drive SE, Suite 100
Rochester, MN 55904

RE: Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to rezone property at 4006 US Highway 14 East from H to B-4 to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Avenue SE and south of US Highway 14 East. US Highway 14, CS 5503

Dear Ms. Garness:

Thank you for the opportunity to review the Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. Exhibits show an existing access on 40th Avenue SE.

Mn/DOT encourages the Developer/City of Rochester to construct an access, and/or City Street, to align with the proposed Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from Mn/DOT's right of way as possible to ensure proper stacking distance.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale E. Maul'.

Dale E. Maul
Planning Director

292

Interoffice Memo

Date: 11/19/2003
To: Mitzi Baker, Planner, Brent Svenby, Planner
Cc: Kevin Harms, County Public Works, Mike Nigbur, Rochester City Public Works
From: Muhammad Khan, Transportation Planner
RE: GDP # 220 By Kelly and Kristi Madson (Bob's Construction)

Location

Bob's Constructions, proposes a zone change from H, Holding Zone, to B-4 (general commercial), on approximately 7.94 Acres at their current location along the Trunk Highway 14 east. The rezoning requires the applicant to go through the process of a General Development Plan.

The property is bounded on the west by 40th Avenue SE, Trunk Highway 14 to north, The Villas of Valley Side to the south, and unplatted land to east.

Back Ground Information

MNDOT has begun the process of planning for the upgrade of TH 14 from Rochester to Eyota. Preliminary planning and scoping for an Environmental Impact Statement were completed which identified a long term plan to upgrade TH 14 to a four lane controlled access expressway from the end of the current four lane east of Rochester to CSAH 7 in Eyota. Options that were to be evaluated included developing the upgraded facility on the existing corridor alignment, as well as considering alternate alignments north of TH 14 north of the railroad. One reason the EIS activities had begun was the expectation that a project to replace the railroad underpass east of Chester Woods Park would occur sometime in 2005-2006. However, due to adequate available funding in that time period, the project has been rescheduled for the 2012-2015 period. As a result, MNDOT suspended project development at this time due to a need to focus on projects anticipated to occur in the next 1-3 years.

The Rochester City Capital Improvement Program has listed the projects to install traffic signal at the intersection of TH 14 and 40th Ave NE for 2007 construction year.

Key Traffic Issues

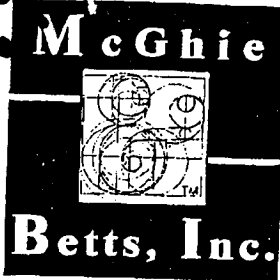
The proposed zone change and GDP request raised some concerns of extra traffic expected from the proposed addition to its current activity. Currently, the intersection of 40th Ave NE and TH 14 is operating at capacity. It is estimated that approximately 160 additional daily trips will be generated from the proposed additional development.

Two major residential developments on 40th Ave are already generating little less than 3,000 daily trips. It is estimated that 95% of the traffic generated by the two residential developments on 40th Ave use the intersection of 40th Ave and TH 14 and only 5% traffic flows through the west using Eastwood Road.

Concerns have been raised in the past about poor sight distance created by the grade of the highway to handle traffic turning onto westbound TH 14 from northbound 40th Ave. Other traffic issues were inside acceleration lane for motorists turning onto TH 14, and queue spacing for left turning lane on 40th Ave NE for westbound traffic. These concerns may be critical if the developers decide to further expand their activity or reconstruct the entire site under B-4 general commercial use.

Summary of Review

- The 40th Ave NE is designated as a Collector Street on the Long Range Thoroughfare Plan. It is recommended that in case of large-scale development in which the average daily traffic level on the collector becomes excessively high, it may be necessary to construct the road to higher design standards than that of collector. A 3000 ADT level has been identified in the publication as the bottom figure for an arterial classification.
- The analysis of the projected traffic volumes does not indicate that overall congestion or delay will be a big problem due to proposed new addition. It is expected that there will be a delay of 20-30 seconds for an opening in the traffic flow on TH 14. The installation of traffic signal at the intersection of 40th Ave NE will improve traffic flows in future.
- Given the way proposed development access on 40th Ave NE will operate, and working under the assumption that the use will generate a relatively low level of traffic (160 daily trips), we expect that the Level of Service at this intersection will meet standards of Land Development Manual. However, if the developers decide to further expand or reconstruct the entire site, the developer under section 61.523 (3a, 3d) of the Rochester City Zoning Ordinance and Land Development Manual shall be required to prepare traffic Impact Report (TIR) to address the significant traffic issues due to the proposed development.



Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

MINUTES OF THE
NEIGHBORHOOD INFORMATIONAL MEETING
FOR
BOB'S CONSTRUCTION
(MADSON PROPERTY)
ON NOVEMBER 18, 2003, 6:30 PM
IN THE SHOWROOM OF BOB'S CONSTRUCTION
4006 HIGHWAY 14 EAST
ROCHESTER, MN

In Attendance: See attached attendance list.

Purpose: The purpose of the meeting was to introduce the proposed project to the neighborhood and to answer any questions and document any concerns or issues that may need to be further investigated.

General Discussion:

The meeting was a very informal discussion in regards to the future expansion of Bob's Construction. Joshua Johnson gave a brief description of what was proposed and opened the floor up to questions and discussion.

Also presented and reviewed by the neighbors was the following support data:

I. Boards:

- a. GDP of the proposed project

Questions and Answers:

- Q. Is the intent that Bob's Construction property will stay commercial?
A. *Yes. The Land Use Plan for the City of Rochester shows it to be commercial and the intent is to leave it that way so that Bob's Construction can remain here.*
- Q. What do you have planned for the east side of the property?
A. *Nothing at this time. The owner is not sure what he would like to do there. The only expansion for now will be another rental storage bay shed to the south of the existing one.*
- Q. I have heard that Highway 14 will be rebuilt to a 4 lane all the way to Eyota and that they will be closing the frontage road that serves the few residential homes and also the proposed L.B. Electric just east of Bob's Construction. We were told that when that happens they will require a frontage road thru the Bob's Construction Property. Do you know anything about this?
A. *I don't know any of the details but have heard the same information. We will have to wait and see what is required for sure when the time comes.*

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946



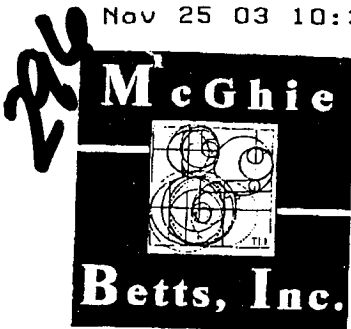
295

This might present a great opportunity for Mr. Madson, The owner, when that time comes. But as for now, no one has contacted the owner about this.

- Q. Do you know when you would be developing the east side of the property?
A. *No. A lot of it kind of depends on the market. The owner may decide that he will need more room for the business in terms of more workshop and storage space or it might work out that more rental storage is needed. No matter what type of development occurs on the rest of the property, as long as it is commercial adjacent to residential there will be a bufferyard of some kind required. The Rochester Zoning Ordinance requires a buffer of some sort between the different types of zoning classifications.*

- Q. Where are the existing city limits?
A. *The limits pretty much surround the property. All of the development to the south and west is in the city and so is the Peoples CO-OP across Highway 14.*

With that we ended the meeting. Some other general discussion took place and the over-all reaction to the project seemed very favorable. The few people that were there understood that it makes sense to leave the property commercial with its location and access to 40th Ave. SE and Highway 14.



Rochester
Minnesota

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Established 1946

Attendance Roll

NEIGHBORHOOD INFORMATIONAL MEETING

PROJECT: Bob's Construction property
Rochester, Minnesota
DATE: November 18, 2003
TIME: 6:30 p.m.
PLACE: Bob's Construction Showroom
4006 Highway 14 East
Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. Orville Kirkham	3351 MARION RD SE	282-7822
2. Claire Nelson	4135 Mallard Place SE	281-3978
3. Hugh Cooker	4140 Hwy 14 E	282-3713
4. Ruth Cooker	4140 Hwy 14 E	282-3713
5. Larry M. Brown	6556 70th NE	282-5924
6. Kelly Madson	Bob's Construction	288-8319
7. [Signature]	McGhie & Betts, Inc.	289-3919
8.		
9.		
10.		
11.		
12.		
13.		
14.		

297

Mr. Dockter moved to recommend denial of Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow with the staff-recommended findings. Mr. Quinn seconded the motion.

Ms. Petersson stated that she would like to find a way to allow the use.

Ms. Wiesner agreed, but they couldn't based on the Zoning Ordinance.

Mr. Staver stated that Criteria K, listed in the staff report, pertains to general compatibility. It seems compatible to what is occurring on the property, but it is not allowed in the zoning district.

The motion to deny carried 6-3, with Ms. Petersson, Mr. Ohly, and Mr. Staver voting nay.

Mr. Wheeler stated that the Commission could initiate a zone change for the property.

Ms. Baker stated that there is an R-3 zoning district adjacent to the property. There would be more staff support for the R-3 zoning district. If there is a means for them to do a design modification, staff can look at that. Another alternative is that they can go through an Incentive Development Conditional Use Permit. It seems as though they have been upgrading the property. Perhaps they would need to intensify their landscaping.

Mr. Wheeler suggested that the Commission wait to see how the City Council acts on the current request.

Zoning District Amendment #03-23 AND General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H (Holding) to B-4 (General Commercial) to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Ave. SE and south of TH 14 East.

Ms. Mitzi A. Baker presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Josh Johnson, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions. He stated that they would work with MnDOT when it comes to the access onto 40th Avenue.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-23 by Kelly and Kristi Madson with the staff-recommended findings. Mr. Ohly seconded the motion. The motion carried 9-0.

Mr. Burke moved to recommend approval of General Development Plan #220 by Kelly and Kristi Madson with the staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 9-0.

CONDITIONS:

1. The GDP shall be revised:

- a) Changing CO RD 144 SE / 40th AVE SE to "40 Ave SE (CO RD 144)".
2. The anticipated Level of Service at intersection of Bob's Construction and 40th Avenue SE will meet the standards of the LDM. Any future expansion or reconstruction of the entire site shall require completion of a Traffic Impact Report (TIR) as required under Section 61.253 (3a & 3b) of the LDM. In addition, future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these access be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.
3. Execution of a Pedestrian Facilities Agreement shall be required addressing the Owner's obligation related to future pedestrian facilities along the frontages of this property.
4. Grading and Drainage Plan approval is required prior to any new development of this property. A Storm Water Management fee shall apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
5. The water system shall be extended through this property to the NE side per RPU-Water Division requirements providing for a planned looped system to serve this and the adjoining properties to the east.
6. Prior to any additional development / redevelopment of this property, the Owner's obligations shall be addressed in the Development Agreement with the City.
7. On-site fire hydrants shall be added to this property prior to any additional construction on the property being approved.

Amendment to General Development Plan #132 known as Volunteers of America Senior Housing by Volunteers of America. The Applicant is proposing to amend the approved GDP by changing the types of housing units on the property mostly in the westerly half of the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

AND

Incentive Development Conditional Use Permit #03-60 by Volunteers of America. The applicant is proposing to develop a 4 story congregate housing building with 200 units on their property. The location of the building is just east and south of the detention pond on the property. The property is located along the north side of 55th Street NW and along the west side of 18th Avenue NW.

Mr. Brent Svenby presented the staff reports, dated December 4, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the landscape plan was submitted after the packet was distributed. Prior to submitting a final plan for the incentive development, the applicant will need to submit a detailed landscaping plan listing the types of planting materials and exact location, as well as

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01-05-04

297

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-12

ITEM DESCRIPTION: General Development Plan # 220 by Kelly and Kristi Madson. The property is located at 4006 US Highway 14 East includes approximately 7.94 acres of land and is located east of 40th Avenue SE and south of US Highway 14 East. A Zoning District Amendment to rezone the property from H (Holding) to B-4 (General Commercial) is being considered concurrent with this petition.

PREPARED BY:
Theresa Fogarty,
Planner

December 29, 2003

NOTE: See CPZC minutes from previous ZC hearing.

City Planning and Zoning Commission Recommendation:

On December 10, the City Planning and Zoning Commission reviewed this General Development Plan.

Mr. Josh Johnson of McGhie & Betts, addressed the Commission and stated that the applicant is in agreement with the staff-recommended conditions. Mr. Johnson also explained that the applicant will work with MnDot regarding the access onto 40th Avenue SE.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Burke moved to recommend approval of General Development Plan #220 by Kelly and Kristi Madson with the staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 9-0.

Conditions:**1. The GDP shall be revised:**

a) Changing CO RD 144 SE / 40th AVE SE to "40 Ave SE (CO RD 144)".

2. The anticipated Level of Service at intersection of Bob's Construction and 40th Avenue SE will meet the standards of the LDM. Any future expansion or reconstruction of the entire site shall require completion of a Traffic Impact Report (TIR) as required under Section 61.253 (3a & 3b) of the LDM. In addition, future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these access be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.
3. Execution of a Pedestrian Facilities Agreement shall be required addressing the Owner's obligation related to future pedestrian facilities along the frontages of this property.
4. Grading and Drainage Plan approval is required prior to any new development of this property. A Storm Water Management fee shall apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
5. The water system shall be extended through this property to the NE side per RPU- Water Division requirements providing for a planned looped system to serve this and the adjoining properties to the east.
6. Prior to any additional development / redevelopment of this property, the Owner's obligations shall be addressed in the Development Agreement with the City.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



- 7. On-site fire hydrants shall be added to this property prior to any additional construction on the property being approved.**

Planning Staff Recommendation:

See attached staff report dated December 5, 2003.

Council Action Needed:

- 1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.**
- 2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.**

Attachments:

1. Staff Report dated December 5, 2003.
2. Copy minutes of December 10, 2003 CPZC Meeting.

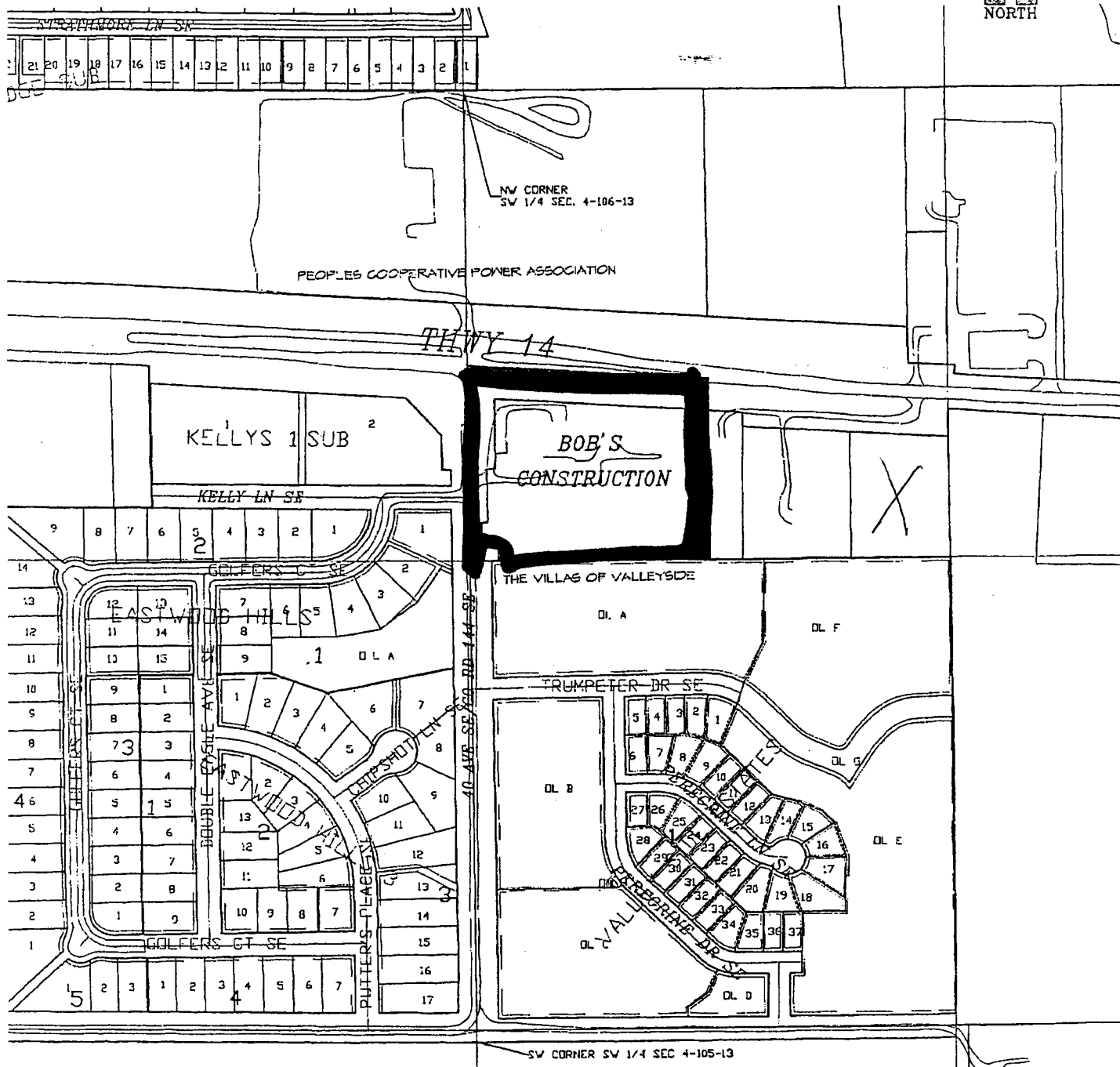
Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 5, 2004 in the Council / Board Chambers in the Government Center at 151 4th Street SE.
6. McGhie & Betts, Inc.

301

VICINTY MAP

SCALE 1" = 400'



FOR :

BOB'S CONSTRUCTION
KELLY & KRISTI MADSON
4006 HWY 14 EAST
ROCHESTER, MN 55904

Lead Surveying

Urban-Land
Planning

Consulting - Civil
Engineering

McGhie



Geotechnical
Engineering
Construction Material
Testing
Landscape
Architecture

1010 Third Avenue S.E.
Rochester, MN 55904
Telephone 507-258-3818
Facsimile 507-258-7323

Betts, Inc.

email: mbl@mcglabett.com

SCALE: 1" = 400'

DRAWN BY: JJJ

DATE: 10/09/03

ACCT. NO.: 7338/3422 Cadd No. 3422VIC

FILE NO.: BK. PG.

PEOPLES COOPERATIVE POWER ASSOCIATION

EXISTING USE OF PROPERTY:
B-4 STYLE COMMERCIAL

PROPOSED USE: B-4
COMMERCIAL

PROPOSED ZONING: B-4

McGhie



Betts, Inc.

Land Surveying
Urban-Land Planning
Consulting - Civil
Engineering
Geotechnical Engineering
Construction Materials
Testing
Landscape Architecture

1848 Third Ave. S.E.
Rochester, MN 55904
Tel: 507.289.2818
Fax: 507.289.7233
email: msk@mcgchiebetts.com

RECEIVED
FOR APPROVAL BY:

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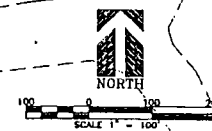
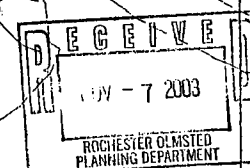
2
KIRKHAM
PROPERTY

EASTWOOD HILLS
SUBDIVISION

THE VILLAGES OF VALLEYSIDE

BORGEN PROPERTY

COCKER PROPERTY



BOB'S CONSTRUCTION
GENERAL DEVELOPMENT PLAN
ROCHESTER,



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 5, 2003

RE: General Development Plan #220 by Kelly and Kristi Madson. The property located at 4006 US Highway 14 East includes approximately 7.94 acres of land and is located east of 40th Avenue SE and south of US Highway 14 East. A Zoning District Amendment to rezone the property from H (Holding) to B-4 (General Commercial) is being considered concurrent with this petition.

Planning Department Review:

Applicant/Owner:	Kelly and Kristi Madson 553 Hastings Lane NW Rochester, MN 55901
Consultants:	McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904
Size and Location:	The area includes approximately 7.94 acres of land located at 4006 Highway 14 East, located east of 40 th Avenue SE and south of TH 14 East.
Existing Land Use:	This property is the location of Bob's Construction (General property improvements and siding replacement contractor) and rental (mini) storage buildings.
Proposed Use:	The Plan proposes to expand the existing mini-storage facilities.
Land Use Plan:	This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. The land use designation for this area is "commercial" use.



Zoning:

A Zoning District Amendment request will be considered concurrently with this General Development Plan. The applicant has petitioned to amend the zoning district on 7.94 acres from Holding Zone to B-4 (General Commercial).

Roadways:

There are no new roadways planned within this General Development Plan.

The reference of CO RD 144 SE / 40th AVE SE is incorrect. Change to 40 Ave SE (CO RD 144).

The proposed General Development Plan and zone change raised some concerns of extra traffic expected from the proposed addition to its current activity. Currently, the intersection of 40th Avenue SE and TH 14 is operating at capacity. It is estimated that approximately 160 additional daily trips may be generated from the proposed additional development.

Given the way the proposed development access on 40th Avenue SE will operate, and working under the assumption that the use will generate relatively low level traffic (160 daily trips), it is expected that the Level of Service at this intersection will meet standards of the LDM. However, if it is decided to further expand or reconstruct the entire site, preparation of a Traffic Impact Report (TIR) shall be prepared as required under Section 61.523 (3a & 3d) of the Land Development Manual.

Future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. The Mn/DOT encourages the Development/City of Rochester to construct an access and/or City Street to align with Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.

Pedestrian Facilities:

Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to future pedestrian facilities along the frontages of this Property.

Drainage:

Grading and Drainage Plan approval is required prior to any new development of this property. A Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.

205

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. According to the Soils Survey, hydric soils do not exist on this property.

Public Utilities:

This area is within the Rose Harbor High Level Water System, which is currently available along the SW side of this property. This water system must be extended through this property to the NE side per RPU – Water Division requirements to provide for a planned looped system to serve this and the adjoining properties to the east.

Static water pressures within this area will vary from the low 80's to the low 90' PSI depending on the finished elevation. The builders must install pressure-reducing devices near the domestic water meters, as required by the Minnesota Plumbing Code.

The General Development Plan narrative indicates utilities being accessed from the South, however, the sewer & water available to serve this property is located in 40th Avenue SE at the Kelly Lane SE intersection. The Owner is obligated to extend utilities across this property to the abutting property to the east. Prior to any additional development / redevelopment of this Property the Owner's obligations will be addressed in a Development Agreement.

Execution of a City-Owner Contract is required prior to the construction of any public infrastructure to serve this Property.

On site fire hydrants shall be added to this property prior to any additional construction on the property being approved.

Parkland Dedication:

The property will not be used for residential development, therefore there are no parkland dedication requirements.

Referral Comments:

1. Rochester Public Works
2. RPU Water Division
3. Rochester Fire Department
4. MN Department of Transportation
5. Planning Department – Transportation staff
6. Planning Department – Addressing staff

Report Attachments:

1. Reduced Copy of General Development Plan
2. Location Map
3. Referral Comments (6 letters)
4. Proposed General Development Plan Narrative

Summary:

The applicant proposes to change the zoning from Holding to B-4 (General Commercial). The rezoning request requires an approved General Development Plan.

This GDP includes approximately 7.94 acres of land for development of B-4 General Commercial. Several public roads are proposed to serve this development. The applicant is proposing to expand the existing mini-storage facilities located on the property. The expansion of the mini-storage facilities will be located in the southern portion of this General Development Plan, along 40th Avenue SE.

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999).

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

This GDP proposes "commercial" uses.. This is consistent with the "commercial" land use designation for the property. A request to amend the zoning district to B-4 is being considered concurrent with this GDP request.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The density and lot sizes for the development appear consistent with the Land Use Plan and once the zoning amendment to B-4 is approved by the City Council.

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

The development density is consistent with the commercial use designation of the Land Use Plan.

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan the subject and adjacent properties.

Given the way the proposed access on 40th Avenue will operate, and working under the assumption that the use will generate relatively low level traffic (160 daily trips), it is expected that the Level of Service at this intersection will meet the standards of the LDM. Any further expansion or reconstruction of the site shall require a Traffic Impact Report (TIR) be completed as required under Section 61.253 (3S & 3d) of the LDM.

301

Future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from the Mn/DOT's right-of-way as possible to ensure proper stacking distance.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Given the way the proposed access on 40th Avenue will operate, and working under the assumption that the use will generate relatively low level traffic (160 daily trips), it is expected that the Level of Service at this intersection will meet the standards of the LDM. Any further expansion or reconstruction of the site shall require a Traffic Impact Report (TIR) be completed as required under Section 61.253 (3S & 3d) of the LDM.

Future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from the Mn/DOT's right-of-way as possible to ensure proper stacking distance.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Water and sewer will need to be extended to serve this development and will need to be extended through this property to provide for a planned looped system to serve this and the adjoining properties to the east.

Execution of a City-Owner Contract is required prior to the construction of any public infrastructure to serve this property.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Detailed construction plans will need to be approved for all infrastructure improvements.

Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligation related to future pedestrian facilities along the frontages of this property.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

A Storm Water Management fee shall apply for participation in the City's Storm water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.

Detailed grading and drainage plans will need to be submitted to the City for review and approval.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The lot and block layout for the development appear to be consistent with the Subdivision Design Standards.

Recommendation:

Based on the above criteria, staff would recommend that the following conditions should be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

1. ***The GDP shall be revised::***
 - a) ***Changing CO RD 144 SE / 40th AVE SE to "40 Ave SE (CO RD 144)".***
2. ***The anticipated Level of Service at intersection of Bob's Construction and 40th Avenue SE will meet the standards of the LDM. Any future expansion or reconstruction of the entire site shall require completion of a Traffic Impact Report (TIR) as required under Section 61.253 (3a & 3b) of the LDM. In addition, future development of this property may require the relocation of the access driveway to align directly across 40th Avenue SE from Kelly Lane SE. Mn/DOT strongly recommends these access be as far south from Mn/DOT's right-of-way as possible to ensure proper stacking distance.***
3. ***Execution of a Pedestrian Facilities Agreement shall be required addressing the Owner's obligation related to future pedestrian facilities along the frontages of this property.***
4. ***Grading and Drainage Plan approval is required prior to any new development of this property. A Storm Water Management fee shall apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development /redevelopment.***

304

5. *The water system shall be extended through this property to the NE side per RPU-Water Division requirements providing for a planned looped system to serve this and the adjoining properties to the east.*
6. *Prior to any additional development / redevelopment of this property, the Owner's obligations shall be addressed in the Development Agreement with the City.*
7. *On-site fire hydrants shall be added to this property prior to any additional construction on the property being approved.*

NOTE:

- *Prior to development, the property owner will need to execute a City Owner Contract for construction of any public infrastructure to serve this property.*

310

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application for General Development Plan #220 & ZONE#03-23 for the Bob's Construction (Kelly & Kristi Madson property). The following are Public Works comments on this request:

1. Grading & Drainage Plan approval is required prior to any new development of this Property. A Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP) for any increase in impervious surface resulting from new development / redevelopment.
2. The GDP narrative indicates utilities being accessed from the South, however the sewer & water available to serve this property is located in 40th Ave SE at the Kelly Ln SE intersection.
3. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to future pedestrian facilities along the frontages of this Property.
4. Future redevelopment of this property may require the relocation of the access driveway to align directly across 40th Ave SE from Kelly Ln SE.
5. The Owner is obligated to extend utilities across this property to the abutting property to the east. Prior to any additional development / redevelopment of this Property the Owner's obligations will be addressed in a Development Agreement. Execution of a City-Owner Contract is required prior to the construction of any public infrastructure to serve this Property.

Charges/fees applicable to the development of this property are as follows (rates in place through 7/31/04):

- ❖ Water Availability Charge @ \$1851.12 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$2598.24 per developable acre
- ❖ Watermain Connection Charge – NA, extension of public watermain is required in the future at the Owner's expense.
- ❖ Sanitary Sewer Connection Charge @ \$46.60 per foot x 80.00 feet (minimum connection frontage) = \$3,728.00
- ❖ Storm Water Management – TBD through the Grading Plan review and approval process.
- ❖ Southeast Transportation Improvement District (SE TID) - TBD



311

November 18, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. This area is within the Rose Harbor High Level Water System Area, which is currently available along the SW side of this property. This water system must be extended through this property to the NE side per our requirements to provide for a planned looped system to serve this and the adjoining properties to the east.
2. The static water pressures in this area will vary from the low 80's to the low 90's PSI depending on the finished elevation. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
McGhie & Betts, Inc.
Kelly and Kristi Madson

312



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 18, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. The applicant are proposing to re-zone property at 4006 Hwy 14 E from H to B-4 to facilitate expansion of commercial land uses currently occupied by Bob's construction and rental storage buildings.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 - a. On site fire hydrants shall be added to this property prior to any additional construction on the property is approved.
2. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Kelly and Kristi Madson
McGhie & Betts, Inc.



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

313

November 14, 2003

Jennifer Garness
Rochester – Olmsted Planning Department
2122 Campus Drive SE, Suite 100
Rochester, MN 55904

RE: Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to rezone property at 4006 US Highway 14 East from H to B-4 to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Avenue SE and south of US Highway 14 East. US Highway 14, CS 5503

Dear Ms. Garness:

Thank you for the opportunity to review the Zoning District Amendment #03-23 and General Development Plan #220 by Kelly and Kristi Madson. Exhibits show an existing access on 40th Avenue SE.

Mn/DOT encourages the Developer/City of Rochester to construct an access, and/or City Street, to align with the proposed Kelly Lane SE. Mn/DOT strongly recommends these accesses be as far south from Mn/DOT's right of way as possible to ensure proper stacking distance.

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul
Planning Director

314



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

GENERAL DEVELOPMENT PLAN

REFERRAL RESPONSE

DATE: November 20, 2003
TO: Jennifer Garness
FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department
CC: McGhie and Betts Inc.
RE: **BOBS CONSTRUCTION**
GENERAL DEVELOPMENT PLAN #220

A review of the **GDP** has turned up the following **ROADWAY** or **ADDRESS** related issues:

1. Reference to CO RD 144 SE / 40TH AVE SE is incorrect.

RECOMMENDATION: Change to 40 Ave SE (CO RD 144).

315

Interoffice Memo

Date: 11/19/2003
To: Mitzi Baker, Senior Planner
Cc: Kevin Harms, County Public Works, Mike Nigbur, Rochester City Public Works
From: Muhammad Khan, Transportation Planner
RE: GDP # 220 By Kelly and Kristi Madson (Bob's Construction)

Location

Bob's Constructions, proposes a zone change from H, Holding Zone, to B-4 (general commercial), on approximately 7.94 Acres at their current location along the Trunk Highway 14 east. The rezoning requires the applicant to go through the process of a General Development Plan.

The property is bounded on the west by 40th Avenue SE, Trunk Highway 14 to north, The Villas of Valley Side to the south, and unplatted land to east.

Back Ground Information

MNDOT has begun the process of planning for the upgrade of TH 14 from Rochester to Eyota. Preliminary planning and scoping for an Environmental Impact Statement were completed which identified a long term plan to upgrade TH 14 to a four lane controlled access expressway from the end of the current four lane east of Rochester to CSAH 7 in Eyota. Options that were to be evaluated included developing the upgraded facility on the existing corridor alignment, as well as considering alternate alignments north of TH 14 north of the railroad. One reason the EIS activities had begun was the expectation that a project to replace the railroad underpass east of Chester Woods Park would occur sometime in 2005-2006. However, due to adequate available funding in that time period, the project has been rescheduled for the 2012-2015 period. As a result, MNDOT suspended project development at this time due to a need to focus on projects anticipated to occur in the next 1-3 years.

The Rochester City Capital Improvement Program has listed the projects to install traffic signal at the intersection of TH 14 and 40th Ave SE for 2007 construction year.

3/6

Key Traffic Issues

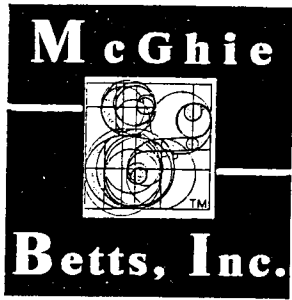
The proposed zone change and GDP request raised some concerns of extra traffic expected from the proposed addition to its current activity. Currently, the intersection of 40th Ave SE and TH 14 is operating at capacity. It is estimated that approximately 160 additional daily trips will be generated from the proposed additional development.

Two major residential developments on 40th Ave are already generating little less than 3,000 daily trips. It is estimated that 95% of the traffic generated by the two residential developments on 40th Ave use the intersection of 40th Ave and TH 14 and only 5% traffic flows through the west using Eastwood Road.

Concerns have been raised in the past about poor sight distance created by the grade of the highway to handle traffic turning onto westbound TH 14 from northbound 40th Ave. Other traffic issues were inside acceleration lane for motorists turning onto TH 14, and queue spacing for left turning lane on 40th Ave SE for westbound traffic. These concerns may be critical if the developers decide to further expand their activity or reconstruct the entire site under B-4 general commercial use.

Summary of Review

- The 40th Ave SE is designated as a Collector Street on the Long Range Thoroughfare Plan. It is recommended that in case of large-scale development in which the average daily traffic level on the collector becomes excessively high, it may be necessary to construct the road to higher design standards than that of collector. A 3000 ADT level has been identified in the publication as the bottom figure for an arterial classification.
- The analysis of the projected traffic volumes does not indicate that overall congestion or delay will be a big problem due to proposed new addition. It is expected that there will be a delay of 20-30 seconds for an opening in the traffic flow on TH 14. The installation of traffic signal at the intersection of 40th Ave SE will improve traffic flows in future.
- Given the way proposed development access on 40th Ave SE will operate, and working under the assumption that the use will generate a relatively low level of traffic (160 daily trips), we expect that the Level of Service at this intersection will meet standards of Land Development Manual. However, if the developers decide to further expand or reconstruct the entire site, the developer under section 61.523 (3a, 3d) of the Rochester City Zoning Ordinance and Land Development Manual shall be required to prepare traffic Impact Report (TIR) to address the significant traffic issues due to the proposed development.



317

GENERAL DEVELOPMENT PLAN BOB'S CONSTRUCTION PROPERTY

Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

Our client, Kelly and Kristi Madson – Bob's Construction, proposes a zone change from H, Holding Zone, to B-4, general commercial, on approximately 7.94 acres at the current location of Bob's Construction along Trunk Highway 14. Due to this rezoning, the applicant is also required by the City of Rochester Zoning Ordinance to go through the process of a General Development Plan.

The property is bounded on the west by 40th Avenue SE, Trunk Highway 14 to the north, The Villas of Valley Side to the south, and unplatted land to east.

The following is a written summary of the General Development Plan in accordance with Appendix B E-3.

- a) Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.

There are no topographic or soil conditions on the site which create any potential problems for design or construction of any structures or roads.

- b) Storm drainage problems which, in the estimation of the applicant, may result in the increase of normal costs.

The storm drainage does not appear to cause problems that will result in the increase of normal costs.

- c) Identification of potential off-site drainage problems.

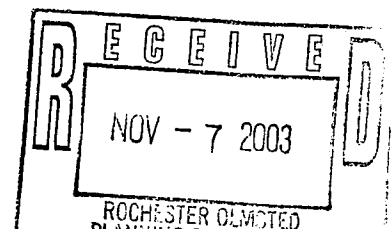
There does not appear to be any off-site drainage problems. Any future development of the property will be designed according to the City of Rochester zoning regulations and will need to go through the site development process for review and approval to make sure that no future off-site drainage problems will occur.

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1916





318

- d) Availability of utilities to serve the area under construction.

Public utility service for this site will come from the utilities that are currently serving The Villas of Valleyside located on the south side of the property in question.

- e) Identification of possible erosion problems which may arise in the estimation of the applicant.

No erosion control problems are estimated with this site. However, at the time of any future construction, erosion control measures will be incorporated into the grading plan and final design if needed.

- f) A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

The only phasing that may occur on the property will be the future addition of another Rental Storage facility similar to the one that currently exists on the site.

REQUEST FOR COUNCIL ACTION

MEETING
1-05-04

319

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-13
ITEM DESCRIPTION: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16 th Street SE and has an address is 1600 Marion Road SE.		PREPARED BY: Brent Svenby, Planner

December 23, 2002

Planning Commission Recommendation:

The Rochester Planning and Zoning Commission considered this application at a public hearing on December 10, 2003.

The Planning Commission reviewed this request according to the applicable criteria and standards in the LDM. The Commission is recommending denial to convert an accessory building into two more living units. The Commission found that this request is not consistent with those criteria and adopted the findings to the criteria as written in the staff report.

Ms. Rivas moved to recommend denial of Type III, Phase II Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow based on staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 6-3 with Ms. Petersson, Mr. Ohly and Mr. Staver voting nay.

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based upon the criteria included in the staff report.*

Attachment:

1. Staff Report dated December 1, 2003
2. Minutes from December 10, 2003 CPZC meeting

Distribution:

1. City Clerk
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Council

SK

Plan.

220
Langseth, Valori

From: AVERYTAG@aol.com

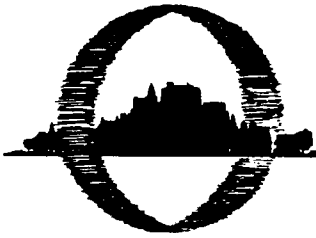
Sent: Sunday, December 28, 2003 7:15 AM

To: City Hall

Subject: (no subject)

We are asking for the support of the council members at the up coming meeting in regards to the Homestead Motel at 1600 Marion RD. southeast. We applied for a restricted development from planning and zoning as we was told from them it would be the way to approach this. We are requesting to remodel the existing garage to two sleeping rooms and a small laundry for our guests. Planning and zoning recommended to deny it because it would raise the density of the property too much, which I do not understand because a few years ago there was a restaurant operating from there. We have hired Kim Portz firm to do the blue prints and they say there is no problem. Please take the time to look into the minutes of the Planning and Zoning commission meeting as we already have several dollars invested and we feel there is a definite need for this addition. Thank you for the opportunity. Avery Tagtow

12/29/2003



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



DATE: December 8, 2003

TO: Rochester Planning & Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

RE: Restricted Development CUP #03-57 by Clint & Shelly Tagtow

This Restricted Development application was reviewed as a request to convert an accessory building into two more living units as a multi-family use. Staff was contacted by the applicant on Monday December 8, 2003 and informed the property is a motel use, not multi-family. Despite this detail, staff recommendation remains a recommendation to deny the application.

The Rochester Zoning Ordinance and Land Development Manual (LDM) defines a motel as a "Transient Accommodation". Transient accommodations are not a permitted use in the R-1 district. Multi-family dwellings and Transient accommodations are both non-conforming uses in the R-1 District.

Furthermore, the LDM does include provisions for modifying non-conforming uses, through a Type III, Phase III hearing process (S. 65.320). This Section provides limitations to the types of modifications permitted, and does not permit an increase in intensity of the use. Specifically the number of residential units or floor area devoted to the public cannot be increased.



322

14 ST SE

14 ST SE

15 ST SE

CUP #03-57

Tagtow

900' Notification Distance

Ward 4 Stobaugh

11/18/03

16 ST SE

17 ST SE

17 ST SE

20 AVE SE

20 AVE SE

OAK CIR W
OAK CIR W

ACORN RD
ACORN RD

OAK CIRE
OAK CIRE

OAK GROVE
OAK GROVE CT

CT

OAKLEAF

OAKLEAF LN

LN SE

OAK TERRACE
OAK TERRACE DR SE

DR SE

OAKDALE
OAKDALE RD DE

RD SE

OAKPARK
OAK PARK LN

OAK PARK LN

LN SE

PARK LN SE
PARK LN SE

23 AVE SE

HIGHVIEW DR

HIGHVIEW DR

OAKVIEW DR

OAKVIEW DR

HIGHVIEW DR

HIGHVIEW DR

OVERLOOK DR

OVERLOOK DR

SITE DATA :

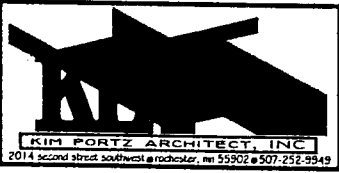
TOTAL AREA 21,400 S.F. = 0.49 ACRES
 BUILDING FOOTPRINT 8,340 S.F.
 BUILDING/PERIMETER 11,001 S.F.
 BUILDING AREA 54.00 %
 BUILDING/PERIMETER AREA 81.00 %
 OPEN AREA 18.00 %

223

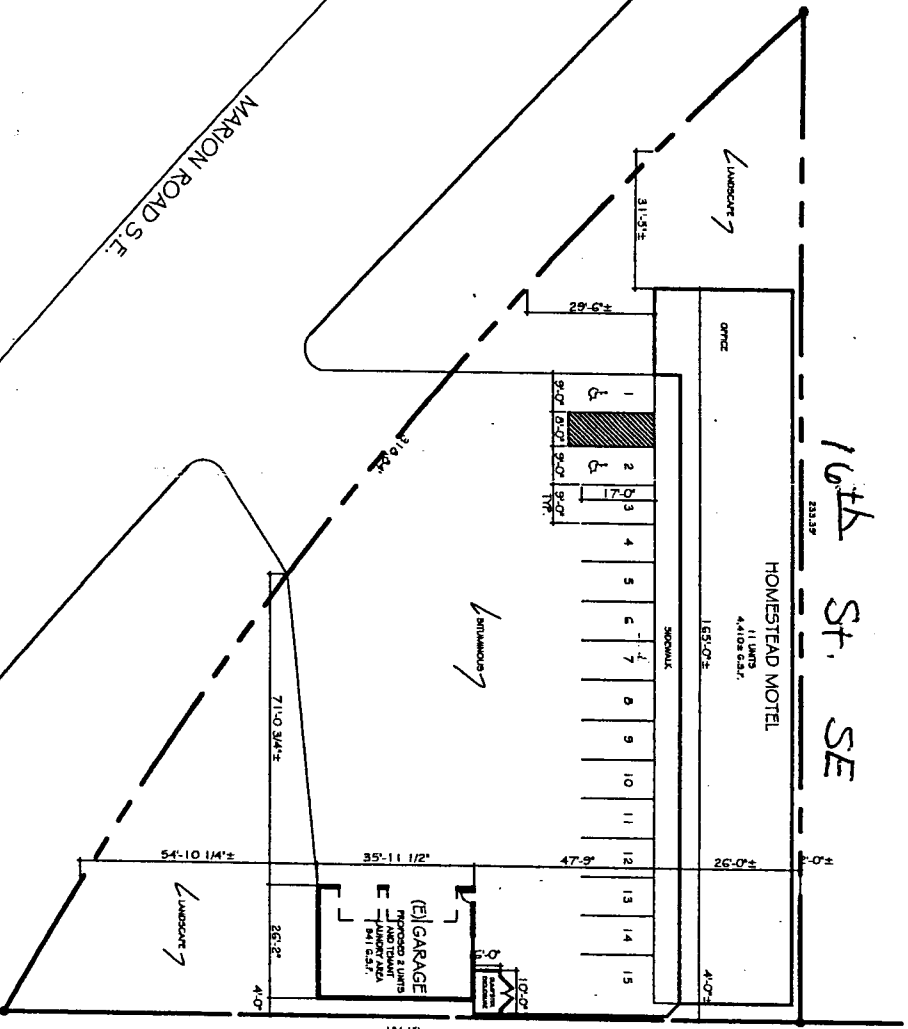
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
 Print Name: _____
 Signature: _____
 Date: 09/25/03 Reg No.: 16570

DRAWN BY: C. TINSLEY
 PROJECT NO. 0347
 DATE: 10/21/03
 REVISION DATE:

design for:
 HOMESTEAD MOTEL
 1600 MARION ROAD S.E.
 ROCHESTER, MINNESOTA 55904



RECEIVED
 OCT 22 2003
 ROCHESTER OLIMSTED
 PLANNING DEPARTMENT



ARCHITECTURAL SITE PLAN

1 OF 1
 A1

32A

BUILDING CODE DATA:

CODES IN EFFECT

Minnesota Building Code 2002
International Building Code 2000
International Fire Code 2000
International Mechanical Code 2000
International Plumbing Code 2000
National Electric Code 1999

BUILDING TYPE

TYPE V-B

AUTHORITY JURISDICTION

City of Rochester Building Department
City of Rochester Fire Department

ZONING INFORMATION: (CITY OF ROCHESTER ORDINANCES)

- I. GENERAL INFORMATION
A. ZONING DISTRICT: R-1
B. RESTRICTED DEVELOPMENT: TYPE III DEVELOPMENT
- II. APPEARANCE CONTROL STANDARDS (GROUP RESIDENTIAL CARE)
A. HOURS OF OPERATION: -
B. EXTERIOR LIGHTING: R
C. SIGN REGULATIONS: R
D. LANDSCAPE MATERIAL POINT BASE: 12
E. EXTERIOR STORAGE REGULATIONS: T
F. SITE LOCATION REQUIREMENT: H
G. BUFFERYARD INDICATOR: I
- III. REQUIRED OFF-STREET PARKING
A. 1 PER SLEEPING UNIT (TRANSIENT ACCOMMODATIONS)

NOTES:

APPROXIMATE: SEE SITE PLANS
BUILDING LOCATION WITH RESPECT TO
PROPERTY LINES:
North - 37'-4" from property line
East - 11'-4" from property line
South - 7'-2" from property line
West - 26'-3" from property line

CODE INFORMATION: HOMESTEAD MOTEL EXPANSION

- I. BUILDING CLASSIFICATION (TABLE 3-A)
A. MOTEL: R-1
- II. OCCUPANCY SEPARATION (TABLE 3-B)
A. NOT APPLICABLE
- III. CONSTRUCTION TYPE
A. BUILDING GENERAL TYPE: V-B
- IV. ALLOWABLE FLOOR AREA (TABLE 503)
A. TABULAR FLOOR AREA
1. GROUP R-1: V-B 7,000 S.F.

NOTES:

ALL FIRE EXTINGUISHERS TO BE:
3A40BC SLD, CERTIFIED AND PLACED
EVERY 50-LINEAL FEET.

INTERIOR WALL AND CEILING FINISHES
MORE THAN 1/2" IN THICKNESS
SHALL HAVE A MAX. FLAME SPREAD
INDEX OF 75-200 (CLASS 111)

FIRE SPRINKLERS THROUGHOUT BUILDING
AND INDEPENDENTLY CONTROLLED FOR
EACH TENANT SPACE

B. ALLOWABLE AREA INCREASES (SECTION 506)

$$A_3 = A_t + \left[\frac{A_t I_1}{100} \right] + \left[\frac{A_t I_2}{100} \right]$$

$$I_1 = 100 \left[\frac{F}{P} - 0.25 \right] \frac{W}{30}$$

A_3 = Allowable area per floor (square feet)

A_t = Tabular area per floor in accordance with Table 503 (square feet)

I_1 = Area increase due to frontage as calculated in accordance with Section 506.2

I_2 = Area increase due to sprinkler protection (percent) as calculated in accordance with Section 506.3

A_t = 7,000 S.F.

F = 65'-3 1/2"

P = Building perimeter which fronts on an open space 20' wide min.

I_1 = 36.6

P = 124'-3"

P = Perimeter of entire building

I_2 = NA

W = 23'-10 1/2"

W = Minimum width of open space

TOTAL ALLOWABLE AREA: 9,562 S.F.

- V. ACTUAL FLOOR AREA
A. EXISTING GARAGE: 941 G.S.F.

- VII. OCCUPANT LOAD (ESTIMATED): 4.7 OCCUPANTS
(GUESTROOM AREAS: 200 GSF / OCC)
(LAUNDRY AREAS: ACCESSORY)

TOTAL = 4.7 OCCUPANTS

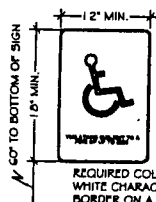
- VI. ALLOWABLE HEIGHT
A. ALLOWABLE HEIGHT (TABLE 503): 2 STORIES
B. ACTUAL HEIGHT: 1 STORY

- VIII. PLUMBING FIXTURES
A. FIXTURES REQUIRED (REF. CHAPTER 29, INTERNATIONAL PLUMBING CODE, & MINNESOTA BUILDING CODE)
ONE OF EACH FIXTURE PER GUESTROOM

- IX. PARKING REQUIRED:
A. HANDICAPPED (SEE ARCHITECTURAL SITE PLAN)
B. PARKING REQUIRED: SEE ZONING INFO.
PROVIDED: SEE ZONING INFO.

MIXED USE DEVELOPMENT GUIDELINES, R-1 DISTRICT

MAXIMUM FLOOR AREA RATIO: 8%	MINIMUM PERCENTAGE LANDSCAPE AREA: 50%
MAXIMUM LOT COVERAGE OF ALL BUILDINGS: (E)	
MAXIMUM PERMITTED HEIGHT: 20'-0"	
MINIMUM LOT SIZE: 12,500 S.F.	
MINIMUM WIDTH AT BUILDING LINE:	



REQUIRED COLORS ARE
WHITE CHARACTERS AND
BORDER ON A BLUE FIELD.



SEE SITE PLAN FOR
LOCATIONS.



326



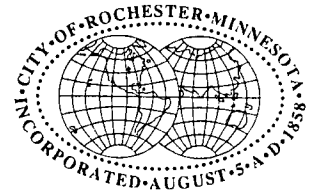
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning & Zoning Commission

FROM: Gregory Wise, Planner

DATE: December 1, 2003

RE: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental.

Planning Department Review

Applicant: Clint and Shelly Tagtow
3427 Lake Street NW
Rochester, MN 55901

Property Location: The property is located along the east side of Marion Road and south of 16th Street SE and has an address is 1600 Marion Road SE.

Zoning: The property is zoned R-1 (Mixed Single Family Residential) on the City of Rochester Zoning map.

Adjacent Zoning:

South:	R-1 (Mixed Single Family Residential) across Marion Road – Longfellow School
West:	PUD (Planned Unit Development) across Marion Road - apartment buildings with R-3 type density.
North:	R-1 – Single family dwellings across 16 th Street SE.
East:	R-3 (Medium Density Residential) – Oak Terrace Manufactured Home Park

Summary of Proposal: The applicant is requesting approval to convert the garage on the property into 2 living units for rental.

Referral Agency Comments: **Rochester Public Utilities – Water Division, See attached**

Rochester Building Safety, See attached



327

Rochester Fire Dept., See attached

MNDOT has indicated that the proposal should have minimal impacts on MNDOT roadways.

Olmsted County Public Works Dept. has indicated that any changes to the driveway access requires an Olmsted County access permit.

Attachments:

Copy of Application
Location Map
Site Map
Aerial Photo of Vicinity
Referral Comments

EXPLANATION OF APPLICATION AND REVIEW PROCEDURE:

The applicant is proposing to convert an existing 26 feet x 36 feet (approximate), 940 square feet garage into two additional dwelling units and a laundry room for tenants. The property is the site of a former motel that has been converted into 11 apartments.

The Restricted Development allows certain mixtures of land uses which are not allowed within a given zoning district on a permitted or conditional basis can, if regulated, serve both the public interest and allow a more equitable balancing of private interests than that achieved by strict adherence to standard zoning regulations. The regulations of this article recognize and provide encouragement for innovation and experimentation in the development of land that would otherwise not be possible under the zoning district regulations established by this ordinance.

CRITERIA & ANALYSIS:

Sections 62.706 and 62.708 (1) of the Zoning Ordinance set forth the standards upon which a Restricted Development Preliminary Plan is to be evaluated. The Council shall approve a preliminary plan if it finds that the development has addressed and satisfied all of the applicable criteria, or that a practical solution consistent with the public interest can be incorporated into the final plan. Please see the attached excerpt from the Rochester Zoning Ordinance and Land Development Manual for the applicable criteria.

The staff suggests the following findings for each of the 11 criteria on which the Preliminary Development Plan is to be evaluated:

- a) **Capacity of Public Facilities:** *City sewer and water, and other utilities currently serve the site. A separate water service must be provided to the building if approved.*

- b) **Geologic Hazards:** *There are no known geologic hazards on the property.*
- c) **Natural Features:** *There are no unique natural features on the property that have been identified.*
- d) **Residential Traffic Report:** *Access to the garage will be provided via the driveway serving the apartment building on the property which has access to Marion Road SE. The additional traffic will be minimal, approximately 12 trips/day.*
- e) **Traffic Generation Impact:** *The anticipated traffic will not cause the capacity of the adjacent streets to be exceeded. Marion Road is considered to be an "Expressway" on the current Thoroughfare plan.*
- f) **Height Impacts:** *This development should not impact the adjacent properties.*
- g) **Setbacks:** *The garage is setback four feet from the east lot line, which is shared with the Oak Terrace Manufactured Home Park and is approximately 47 feet from the right of way of Marion Road SE. The building appears similar to a standard residential garage. Accessory buildings are allowed to encroach into the minimum required rear yard (along the east lot line), whereas, principal buildings must be located in the "buildable area" of the lot.*
- h) **Internal Site Design:** *Access to the building is provided via the driveway and parking area serving the existing apartment building. The property has approximately 24% landscape area, mainly in the northwest corner and the southeast corner of the property.*
- i) **Screening and Buffering:** *There is little room for screening on the east side of the building to be converted, since the building is only four (4) feet from the east lot line.*
- j) **Ordinance Requirements:** *The proposed development includes adequate amounts of off-street parking and loading areas*
- k) **General Compatibility:** *The proposed use of the site does not significantly change the appearance of the property. The character of the surrounding neighborhood should not be affected significantly by this proposed use. However, the 0.49-acre parcel currently has a dwelling density of 22.4 dwelling units per acre. This density would be comparable to that allowed for a two-story apartment building located in the R-3 Zoning District (maximum 24.23). The addition of two more dwellings units would cause the dwelling density to be 26.5 dwelling units per acre. Furthermore, the provided landscape area (23.8%) is less than that required for a two-story building in the R-3 District (40% required).*

Furthermore, an accessory structure for the use of residents of the apartments and for the maintenance of the property seems to be a reasonable use for the existing building.

STAFF RECOMMENDATION:

Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon staff review and the analysis included above, staff recommends denial of this application.

33P

Excerpt from the Rochester Zoning Ordinance & Land Development Manual

62.706 **Standards for Approval, Preliminary Development Plan:** The Council shall approve a preliminary development plan if it finds that the development has addressed and satisfied all the criteria listed in Paragraph 62.708(1), or that a practical solution consistent with the public interest can be incorporated into the final development plan, or a modification for unmet criteria has been granted as provided for in Paragraph 62.712.

62.708 **Criteria for Type III Developments:** In determining whether to approve, deny, or approve with conditions an application, the Commission and Council shall be guided by the following criteria:

1) **Preliminary Development Plan Criteria:**

- a) **Capacity of Public Facilities:** The existing or future planned utilities in the area are adequate to serve the proposed development.
- b) **Geologic Hazards:** The existence of areas of natural or geologic hazard, such as unstable slopes, sinkholes, floodplain, etc., have been identified and the development of these areas has been taken into account or will be addressed in the Phase II plans.
- c) **Natural Features:** For developments involving new construction, the arrangement of buildings, paved areas and open space has, to the extent practical, utilized the existing topography and existing desirable vegetation of the site.
- d) **Residential Traffic Impact:** When located in a residential area, the proposed development:
 - 1) Will not cause traffic volumes to exceed planned capacities on local residential streets;
 - 2) Will not generate frequent truck traffic on local residential streets;
 - 3) Will not create additional traffic during evening and nighttime hours on local residential streets;
- e) **Traffic Generation Impact:** Anticipated traffic generated by the development will not cause the capacity of adjacent streets to be exceeded, and conceptual improvements to reduce the impact of access points on the traffic flow of adjacent streets have been identified where needed.
- f) **Height Impacts:** For developments involving new construction, the heights and placement of proposed structures are compatible with the surrounding development. Factors to consider include:

- 1) Will the structure block sunlight from reaching adjacent properties during a majority of the day for over four (4) months out of the year;
 - 2) Will siting of the structure substantially block vistas from the primary exposures of adjacent residential dwellings created due to differences in elevation.
- g) **Setbacks:** For developments involving new construction, proposed setbacks are related to building height and bulk in a manner consistent with that required for permitted uses in the underlying zoning district.
- h) **Internal Site Design:** For developments involving new construction, the preliminary site layout indicates adequate building separation and desirable orientation of the buildings to open spaces, street frontages or other focal points.
- i) **Screening and Buffering:** The conceptual screening and bufferyards proposed are adequate to protect the privacy of residents in the development or surrounding residential areas from the impact of interior traffic circulation and parking areas, utility areas such as refuse storage, noise or glare exceeding permissible standards, potential safety hazards, unwanted pedestrian/bicycle access, or to subdue differences in architecture and bulk between adjacent land uses.
- j) **Ordinance Requirements:** The proposed development includes adequate amounts of off-street parking and loading areas and, in the case of new construction, there is adequate landscaped area to meet ordinance requirements.
- k) **General Compatibility:** The relationship of the actual appearance, general density and overall site design of the proposed development should be compared to the established pattern of zoning, the character of the surrounding neighborhood and the existing land forms of the area to determine the general compatibility of the development with its surroundings.

332

**Rochester Building
Safety Department**

Memo

To: Jennifer Garness, Planning Department

From: Kenneth Heppelmann

CC: Clint & Shelly Tagtow
Kim Portz Architect, Inc.

Date: November 13, 2003

Re: Restricted Development Plan #03-57

The above referenced restricted development plan appears to indicate a change of use of an existing building. A change of use of an existing building will require building permits and the building will be required to meet the building code requirements for the occupancy that is assigned to it. Depending on whether the occupants of the building are transient in nature or primarily permanent in nature the occupancy classification could be R-1 regulated by the 2000 International Building Code, or R-3 regulated by the 2000 International Residential Code. Complete plans and specifications are required to be submitted for the building permits prior to construction.

Some of the building code issues that may be encountered are:

- Frost depth foundations – If the existing structure was built with a floating concrete slab, frost depth (42 inches) foundations must be provided.
- Location on property – Depending on the type of occupancy, as noted in the first paragraph, walls with a fire separation distance of less than 5 feet may be required to have a one-hour fire resistance rating.
- Accessibility – Depending on the type of occupancy, as noted in the first paragraph, accessibility might have to be provided to and within the units.
- Energy Code – The unheated concrete slab must be insulated around the perimeter from the top of the floor slab down to frost depth or to the top of the footing, whichever is less.
- Energy Code – Energy calculations must be submitted showing that the exterior envelope of the building meets the requirements of the energy code.
- Structural – A structural evaluation must be provided by a design professional, showing that the structure is capable of supporting the snow and wind loads as required.

333

This is a summary of some of the code issues that may be encountered. There are other code requirements that will have to be complied with and will be required to be shown on the plans. A more complete list of requirements will be provided after a permit is applied for, plans are submitted and a plan review is completed.

Please let me know if you have any questions or concerns.

234



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: November 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16th Street and has an address is 1600 Marion Rd SE.

With regard to the above noted project plan, the fire department has the following requirements:

1. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
 2. The building and all required remodeling shall meet the minimum requirements of the Rochester Building and Fire Codes for a R1 occupancy.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Clint & Shelly Tagtow
Kim Portz Architect, Inc

235

12/03/03

Regarding:

Restricted Development Preliminary Plan #03-57, by Clint and Shelly Tagtow.

As a resident of 15th street, I am opposed to this proposed plan. The area is zoned R-1.

I have lived on this street for 27 years and feel to alter the zoning of the area from single family status would be detrimental to the area.

I do not oppose rental property. My street has had multiple houses as rentals in the years I have lived here. I am familiar with renters and the differences between short term and long term neighbors.

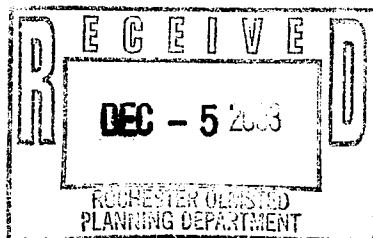
I am opposed to the prospect that the lots in the area will become over crowded with multiple dwellings, such as this plan is proposing.

I am sorry I have to speak up against the plans of a neighbor. I am sure they feel this is a good idea. But I do not feel that way.

Sincerely,



Richard T. Westlund
2056 15th St. SE
Rochester, MN.
289-2538



336

12/06/03

Regarding: Restricted Development Preliminary Plan #03-57 by Clint & Shelly Tagtow

As a resident of 15th Street I am opposed to this proposal plan because the area is zoned R-1.

I have been a resident on 15th Street for around 30 years and the area is zoned r-1 and to change that would be detrimental to the area.

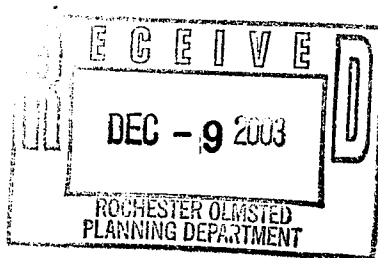
Our street has multiple houses as rental units. Since I have lived here I see the difference between renting a house and owning one.

I am upset that the Tagtow's think they can take a garage and make a rental unit out of it. I am greatly opposed to the plan.

Sincerely,



David Rich
2107 15th Street SE
Rochester, MN 55904



337

- A. A Bufferyard Indicator of VII shall be used when screening the proposed use from the adjacent properties.
- B. Allow wall signage to have internal lighting.
- C. Only allow wall signage on the north wall of the building.
- 2. No exterior storage of materials and equipment.
- 3. ~~Any future change of use or expansion of the proposed use will require review through the Type II process.~~
- 4. Project must comply with referral requirements of Rochester Public Works, dated November 26, 2003, and Rochester Fire Department, dated November 26, 2003.
- 5. The location of the future garage, as identified on the site plan, must be located outside all utility easements and required bufferyards.
- 6. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
- 7. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

*

Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow. The applicant is requesting approval to convert the garage on the property into 2 living units for rental. The property is located along the east side of Marion Road and south of 16th Street SE and has an address is 1600 Marion Road SE.

Mr. Brent Svenby presented the staff report, dated December 1, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that, when the staff report was written, staff had the impression that the motel was used as a multi-family apartment building. However, the applicant contacted them and indicated that it is still used as a motel. Despite this detail, staff is still not recommending approval of the application.

Ms. Wiesner asked if rezoning the property would allow them to do this.

Mr. Svenby stated that the rezoning criteria would need to be reviewed.

Ms. Baker explained that staff compared the site to a property if it were zoned R-3. It did not comply with the development standards. Therefore, to intensify the use would be contrary to the Ordinance.

Ms. Wiesner asked if it would work in the B-5 zoning district.

339

Ms. Baker responded that it did not allow the use.

Ms. Petersson asked if the applicant could apply for a variance.

Ms. Baker responded that the Commission would have to act on the application before them.

Mr. Burke asked if removing the structure to build it to code would have a bearing on the application.

Mr. Svenby responded no, as they would still be increasing the intensity and use of the site. It would also be non-conforming. Transient accommodations are not permitted in the R-1 zoning district. A section of the Ordinance prohibits non-conforming uses to increase the number of residential uses if the property is non-conforming.

Ms. Petersson asked if a variance would be possible.

Mr. Svenby responded that a variance cannot be made for a use.

Ms. Petersson asked if a conditional use permit would allow them this type of use.

Mr. Svenby responded that they are requesting a conditional use permit at this time (restricted development).

Mr. Avery Tagtow, of 3427 Lake Street NW, Rochester MN, addressed the Commission. He stated that his family purchased this site (Homestead Motel) in February. He stated that there was a restaurant located there before they purchased it. He indicated that he thought a restaurant would increase the intensity of the building more than what he is trying to accomplish. He explained that they upgraded the property and feel that there is a need for the extra accommodations, especially the laundry room and two sleeping areas.

Mr. Collin Tinsley, of 812 14th Avenue NE, Rochester MN, addressed the Commission. If the City Council would take rezoning to the R-3 zoning district by their own motion, they would be agreeable with two caveats. They would not be increasing the footprint. The existing building encroaches into what would be the required setbacks for the R-3 zoning district. They would like to have the existing buildings remain. They would also ask that the required 40 percent landscape area be reduced to a Type I Design Modification standard.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Rivas asked if an accessory building could be converted into a service area without having a zone change.

Ms. Baker responded that the non-conforming use section of the Ordinance does address modifications to non-conforming uses. It specifically prohibits the intensification of the use with regard to adding dwelling units or space dedicated to the public.

Ms. Petersson stated that the space would only be used for the tenants and staff.

Mr. Wheeler stated that the County Ordinance allowed the restaurant use on that property previously.

339

Mr. Dockter moved to recommend denial of Restricted Development Preliminary Plan #03-57 by Clint and Shelly Tagtow with the staff-recommended findings. Mr. Quinn seconded the motion.

Ms. Petersson stated that she would like to find a way to allow the use.

Ms. Wiesner agreed, but they couldn't based on the Zoning Ordinance.

Mr. Staver stated that Criteria K, listed in the staff report, pertains to general compatibility. It seems compatible to what is occurring on the property, but it is not allowed in the zoning district.

The motion to deny carried 6-3, with Ms. Petersson, Mr. Ohly, and Mr. Staver voting nay.

Mr. Wheeler stated that the Commission could initiate a zone change for the property.

Ms. Baker stated that there is an R-3 zoning district adjacent to the property. There would be more staff support for the R-3 zoning district. If there is a means for them to do a design modification, staff can look at that. Another alternative is that they can go through an Incentive Development Conditional Use Permit. It seems as though they have been upgrading the property. Perhaps they would need to intensify their landscaping.

Mr. Wheeler suggested that the Commission wait to see how the City Council acts on the current request.

Zoning District Amendment #03-23 AND General Development Plan #220 by Kelly and Kristi Madson. The applicants are proposing to re-zone property at 4006 Highway 14 East from H (Holding) to B-4 (General Commercial) to facilitate expansion of commercial land uses currently occupied by Bob's Construction and rental storage buildings. The property includes approximately 7.94 acres of land and is located east of 40th Ave. SE and south of TH 14 East.

Ms. Mitzi A. Baker presented the staff report, dated December 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Josh Johnson, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions. He stated that they would work with MnDOT when it comes to the access onto 40th Avenue.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-23 by Kelly and Kristi Madson with the staff-recommended findings. Mr. Ohly seconded the motion. The motion carried 9-0.

Mr. Burke moved to recommend approval of General Development Plan #220 by Kelly and Kristi Madson with the staff-recommended findings and conditions. Mr. Ohly seconded the motion. The motion carried 9-0.

CONDITIONS:

026

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01-05-04

341

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-14
ITEM DESCRIPTION: Final Plat #03-41 to be known as Stonehedge Townhomes Third CIC #242 by Sherm Stofflet. The applicant is proposing to re-subdivide Outlot A, Stonehedge Townhomes CIC #202 into 46 lots for single family attached housing and 1 lot for common space. The property is located north of East Circle Drive, south of Stonehedge Estates Subdivision and along the west side of Stonehedge Drive NE.		PREPARED BY: Mitzi A. Baker, Senior Planner

December 29, 2003

Planning Department Review:

The number of existing platted lots in the Stonehedge development is currently at the limit for the number of vehicle trips utilizing one access. There are, however, a number of undeveloped lots within the existing plats, though there are no more townhome lots available. The developers have requested approval of this Plat with the understanding that they would coordinate with the City to monitor the number of lots for which permits are requested/issued, so as not to exceed the 1,200 trip limit prior to completion of a second access. We have been informed that their goal is to permit additional townhome development prior to completion of the second access and that they are willing to shift the available vacant single family lot trips to the townhomes in order to achieve this goal. Stonehedge has identified a second access, which will connect with Northland Place in the Viking Hills development. The developer is planning to construct this second access in the spring of 2004 and is willing to formalize their responsibility to complete this roadway in a Development Agreement. Additionally, City Administration has agreed to coordinate with the developer or consultant to monitor the number of permits issued within the Stonehedge development to assure that the trip limit of 1,200 trips for one access (64.127, 10) is not exceeded.

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual and would recommend approval of this final plat subject to the following conditions / modifications:

- 1. A Development Agreement has been executed for this Property. Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment shall address: the Owner's obligations to limit the total number of permits requested prior to completion of the second access; to construct the second access within a specified time frame, to provide surety that the work is completed by the specified date; to dedicate easements to permit public use of the second access.***
- 2. Pedestrian facilities (concrete sidewalk) is required concurrent with development, along the entire frontage of Stonehedge Drive NE.***
- 3. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to an existing privately constructed permanent detention facility, built to serve this property.***
- 4. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the December 30, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.***

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



Council Action Needed:

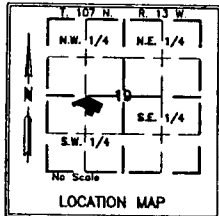
1. *A resolution approving the plat can be adopted.*

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Applicant:: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. Yaggy Colby Associates



0 25 50 100
SCALE IN FEET



STONEHEDGE TOWNHOMES THIRD COMMON INTEREST COMMUNITY NUMBER 242



**YAGGY
COLBY
ASSOCIATES**

ENGINEERS ARCHITECTS
SURVEYORS PLANNERS
LANDSCAPE ARCHITECTS
P12 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
TEL 781-591-1100
FAX 781-591-1100
WWW.YAGGYCOLBY.COM

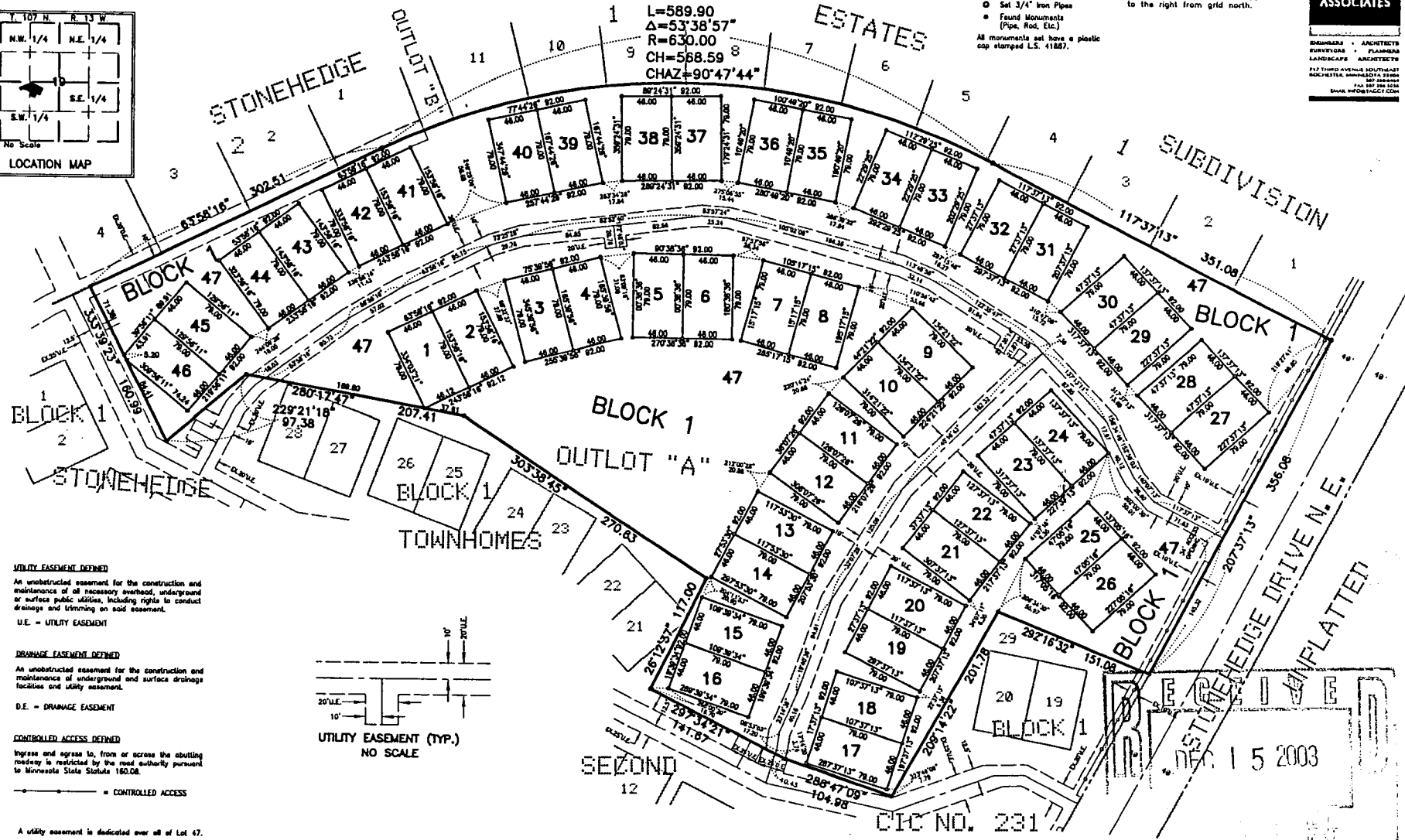
MONUMENTS
• Set 1/2" Rebars
• Set 3/4" Iron Pipes
• Found Monuments
(Pipe, Rod, Etc.)
All monuments set have a plastic
cap stamped L.S. 41887.

BEARINGS
Bearings are Minnesota State
Plane Grid Azimuths measured
to the right from grid north.

L=589.90
Δ=53°38'57"
R=630.00
CH=588.59
CHAZ=90°47'44"

ESTATES

SUBDIVISION



UTILITY EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and brining on said easement.

U.E. = UTILITY EASEMENT

DRAINAGE EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

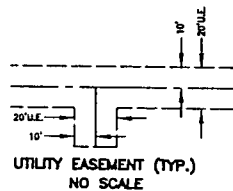
D.E. = DRAINAGE EASEMENT

CONTROLLED ACCESS DEFINED

Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.08.

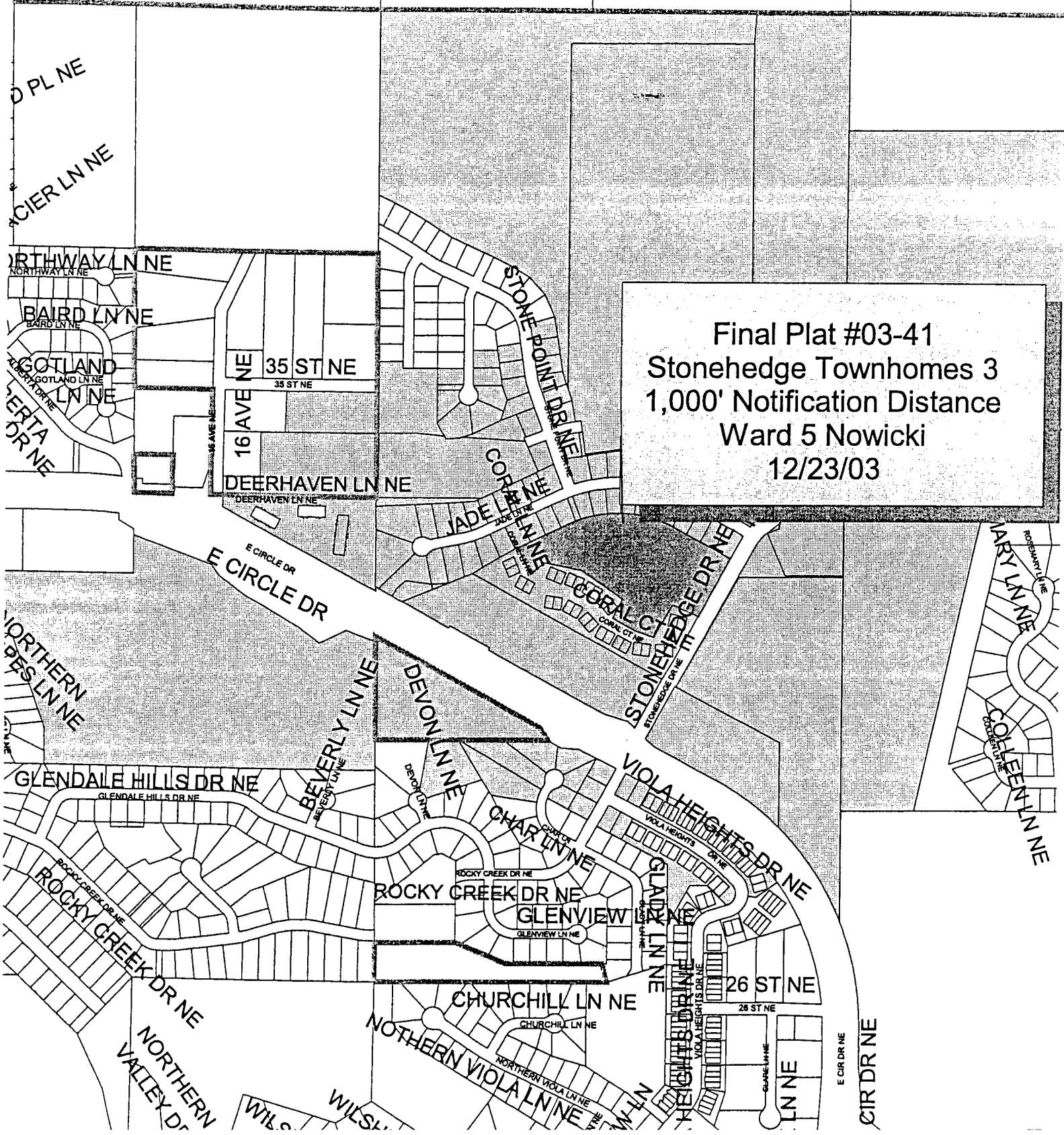
— = CONTROLLED ACCESS

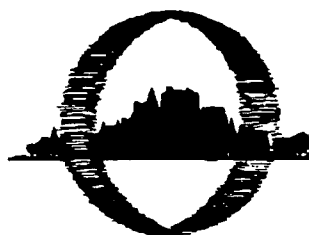
A utility easement is dedicated over all of Lot 47.



243

244



**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning

**TO: Rochester Common Council****FROM: Mitzi A. Baker, Senior Planner****DATE: December 29, 2003**

RE: Final Plat #03-41 to be known as Stonehedge Townhomes Third CIC #242 by Sherm Stoflet. The applicant is proposing to re-subdivide Outlot A, Stonehedge Townhomes CIC #202 into 46 lots for single family attached housing and 1 lot for common space. The property is located north of East Circle Drive, south of Stonehedge Estates Subdivision and along the west side of Stonehedge Drive NE.

Planning Department Review:**Applicant/Owner:**

Sherm Stoflet
Countryside Builders
P.O. Box 776
Byron, MN 55920

Surveyors/Engineers:

Yaggy Colby Associates
717 3rd Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Public Works Department
2. Rochester Park & Recreation Department
3. Fire Department
4. Planning Department – GIS Division

Report Attachments:

1. Referral Comments (4 Letters)
2. Copy of Final Plat
3. Location Map

Plat Data:**Location of Property:**

This plat is located north of East Circle Drive, south of Stonehedge Estates Subdivision and along the west side of Stonehedge Drive NE.

Zoning:

The property is zoned R-1x (Mixed Single Family Extra) district on the City of Rochester Zoning Map.



346

Page 2
Stonehedge Townhomes Third CIC #242
December 31, 2003

Proposed Development:

The applicant is proposing to re-subdivide Outlot A, Stonehedge Townhomes CIC #202 into 46 lots for single family detached housing and 1 lot for common space.

Roadways:

There are no new roadways being dedicated with this Plat.

Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment shall address the Owner's obligations regarding a second access for this development.

Pedestrian Facilities:

Pedestrian facilities (concrete sidewalk) is required concurrent with development, along the entire frontage of Stonehedge Drive NE.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The Soils Survey does not indicate hydric soils within this Plat.

Drainage:

Grading and Drainage Plans have been approved, by the City Public Works Department.

A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to an existing privately constructed permanent detention facility, built to serve this property.

Public Utilities:

Final utility plans have been approved. A City-Owner Contract has been executed for the public utilities required for this CIC Development.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 56 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Deferred parkland dedication for this plat has been met via the July 15, 2002 approval of Stonehedge Townhomes CIC 202.

Page 3
Stonehedge Townhomes Third CIC #242
December 31, 2003

347

Preliminary Plat:

This Plat does not dedicate right-of-way for any new roadways. A Preliminary Plat was not required for this Final Plat.

Planning Staff and Recommendation:

The number of existing platted lots in the Stonehedge development is currently at the limit for the number of vehicle trips utilizing one access. There are, however, a number of undeveloped lots within the existing plats, though there are no more townhome lots available. The developers have requested approval of this Plat with the understanding that they would coordinate with the City to monitor the number of lots for which permits are requested/issued, so as not to exceed the 1,200 trip limit prior to completion of a second access. We have been informed that their goal is to permit additional townhome development prior to completion of the second access and that they are willing to shift the available vacant single family lot trips to the townhomes in order to achieve this goal. Stonehedge has identified a second access, which will connect with Northland Place in the Viking Hills development. The developer is planning to construct this second access in the spring of 2004 and is willing to formalize their responsibility to complete this roadway in a Development Agreement. Additionally, City Administration has agreed to coordinate with the developer or consultant to monitor the number of permits issued within the Stonehedge development to assure that the trip limit of 1,200 trips for one access (64.127, 10) is not exceeded.

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual and would recommend approval of this final plat subject to the following conditions / modifications:

1. ***A Development Agreement has been executed for this Property. Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment shall address: the Owner's obligations to limit the total number of permits requested prior to completion of the second access; to construct the second access within a specified time frame, to provide surety that the work is completed by the specified date; to dedicate easements to permit public use of the second access.***
2. ***Pedestrian facilities (concrete sidewalk) is required concurrent with development, along the entire frontage of Stonehedge Drive NE.***
3. ***A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to an existing privately constructed permanent detention facility, built to serve this property.***
4. ***A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the December 30, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.***

348



ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: December 29, 2003

TO: Jennifer Garness
Planning

RE: Stonehedge Townhomes Third
CIC 242

The Park and Recreation Department recommends that dedication requirements be met via: Deferred parkland dedication for this plat has been met via the July 15, 2002 approval of Stonehedge Townhomes CIC 202.

349

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/29/03

The Department of Public Works has reviewed the application for Final Plat #03-41 for Stonehedge Townhomes Third CIC#242 (a replat of Outlot 'A', Stonehedge Townhomes CIC#202). The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property. Execution of an amendment to the Development Agreement is required prior to recording the Final Plat. Said amendment will address the Owner's obligations regarding a second access for this development.
2. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to an existing privately constructed permanent detention facility, built to serve this property.
3. Pedestrian facilities (concrete sidewalk) is required concurrent with development, along the entire frontage of Stonehedge Dr NE.
4. A City-Owner Contract has been executed for the public utilities required for this CIC development.

Development charges and fees applicable to the development of this property are addressed in the Development Agreement and City-Owner Contract with the exception of:

- ❖ Traffic Signs as determined by the City Engineer.
- ❖ TID Charges for 35th St NE & 16th Ave NE – To Be Determined in the Amended Development Agreement

30



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: December 20, 2003

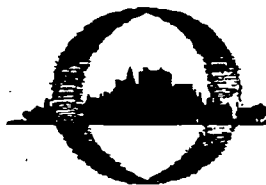
TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #03-41 to be known as Stonehenge Townhomes Third CIC #242 by Sherm Stoflet.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the Minnesota State Fire Code, City of Rochester Fire Code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 32feet in width shall be posted "No Parking" on one side of the street. Streets less than 26 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Yaggy Colby Associates

COUNTY OF
Olmsted

Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

357

FINAL PLAT REFERRAL RESPONSE**DATE:** December 30, 2003**TO:** Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Peter Oetliker

RE: **STONEHEDGE TOWNHOMES THIRD
COMMON INTEREST COMMUNITY #242**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JANUARY 1, 2004.

E911 ADDRESSING FEE: \$1840.00 (46 LOTS/ADDRESSES)

GIS IMPACT FEE: \$770.00 (47 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of Stonehedge Townhomes Third Common Interest Community #242 the GIS / Addressing staff has found no issues to bring forth at this time.

352

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-05-04

353

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-15
ITEM DESCRIPTION: Amendment to General Development Plan #122 known as Century Hills by Payne Company. The Applicant is proposing to amend the southerly portion of the approved GDP by changing roadway alignments and roadway connections to adjacent roadways. The property is located east of East Circle Drive, north of Silver Creek Road NE and south of Viola Road NE.		PREPARED BY: Brent Svenby, Planner

December 22, 2003

City Planning and Zoning Commission Recommendation:

On December 10, 2003 the City Planning and Zoning Commission reviewed the proposed changes to the approved General Development Plan.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Staver made a motion to recommend approval of amendment to General Development Plan #122 known as Century Hills based on staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 9-0.

Conditions:

1. At the time of platting:

- a. *Dedication of Controlled Access shall be required along the entire frontage of East Circle Drive and Silver Creek Road NE except for the access locations shown on the GDP.*
- b. *The proposed ponds shall be platted as a separate Outlot and the Owner shall execute an Ownership & Maintenance Agreement for the pond prior to development and/or Final Plat submittal.*
- c. *Specific routing and extension of utilities to serve the property will be addressed through the platting process and review.*
- d. *Due to the location of the property hydric soils may be located on the property. The property owner is responsible for identifying wetlands on the property and submitting the information as part of the platting process.*

2. *Grading and Drainage Plan approval is required prior to development, and a Storm Water Management charge shall apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property. Details of the Owner's obligations related to Storm Water management will be addressed in the Development Agreement.*
3. *Pedestrian Facilities are required at the Owner's expense along the entire frontage of the property abutting East Circle Drive and Silver Creek Road NE and all new public roadways. Specific obligations will be addressed in the Development Agreement.*
4. *Dedication of parkland shall be met via: land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated November 24, 2003. The amount of street frontage for the parkland areas shall be as stated in the November 24, 2003 memo.*
5. *Any traffic calming measures shall be incorporated into the Development Agreement when the property is platted.*
6. *Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP.*

Planning Staff Recommendation:

See attached staff report dated December 2, 2003.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

24A

Council Action Needed:

1. The Council may approve, approve with conditions, or deny the general development plan Amendment. The Council must make findings based on the criteria listed in Paragraph 61.215.
2. If the Council wishes to proceed with the general development plan amendment as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

Attachments:

1. Staff Report dated December 2, 2003
2. Minutes of the December 10, 2003 CPZC Meeting

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 5, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.

YAGGY COLBY ASSOCIATES

ENGINEERING • ARCHITECTURE
LANDSCAPE ARCHITECTURE
PLANNING • ENVIRONMENTAL
DESIGN • HISTORIC PRESERVATION
CONSULTING • TRAFFIC ENGINEERING
FAS 301 233 3344
LOCAL OFFICE: 301 233 3344
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MAILING ADDRESS: 1000 15TH AVE. N.W.
WASHINGTON, D.C. 20005
INTERNET: WWW.YAGGYCOLBY.COM
REPRODUCED BY YAGGY COLBY ASSOCIATES
FOR THE CITY OF ROCHESTER, MINNESOTA
ON BEHALF OF THE CITY OF ROCHESTER
OR MINNESOTA.

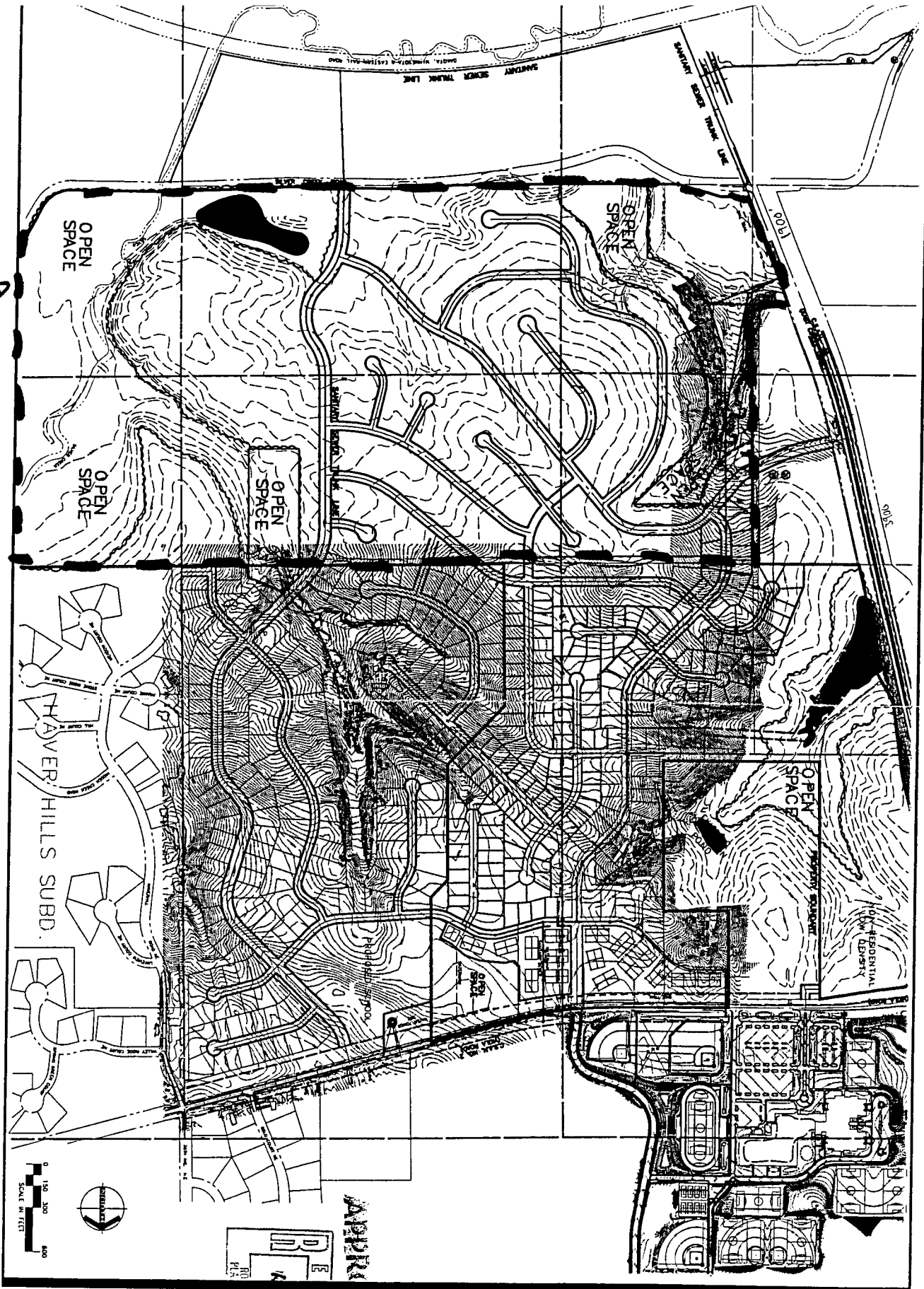
CENTURY HILLS
ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

RECEIVED
APR 13 2001
CITY OF ROCHESTER
PLANNING DEPARTMENT

PROJECT
CENTURY HILLS
DATE: 4-11-01
DRAWN BY: YCA
CHECKED BY:
APPROVED:

SCALE
1" = 100'



Z →

Amendment

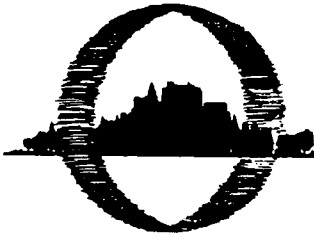
APPROVED GDP

355

PROPOSED GDP



25



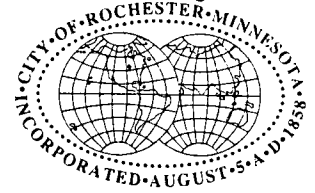
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: December 2, 2003

RE: Amendment to General Development Plan #122 known as Century Hills by Payne Company. The Applicant is proposing to amend the southerly portion of the approved GDP by changing roadway alignments and roadway connections to adjacent roadways. The property is located east of East Circle Drive, north of Silver Creek Road NE and south of Viola Road NE

Planning Department Review:

Applicant/Owner: Payne Company
1700 Northwood Drive NE
Rochester, MN 55906

Consultants: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Size and Location: The property is located along the east side of East Circle Drive, south of Viola Road SE and north of Silver Creek Road NE.

Existing Land Use: The site is presently undeveloped.

Proposed Use: The GDP is mostly showing low density residential uses with the southwesterly portion the site being developed with non-residential low density uses. The northerly portion of the property is not included in the proposed amendment area.

Land Use Plan: The Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential" types of development.

Zoning: The property is presently zoned A-4 (Agricultural Urban Expansion) on the County Zoning Map. Upon annexation, this site will be zoned R-1 (Mixed Single





Family Residential) on the City Zoning Map.

Roadways:

The main reason for the amendment is the fact the roadway alignment in the southerly portion of the property is proposed to be changed. There is also a new proposed connection to Silver Creek Road NE. Attached is the most recently approved Century Hills GDP. As you can see there is major change in the road alignment.

Sidewalks:

In accordance with current City policy, Pedestrian Facilities are required at the Owner's expense along the entire frontage of the property abutting East Circle Drive and Silver Creek Drive NE. Specific obligations will be addressed in the Development Agreement.

Drainage:

Grading and Drainage Plan approval is required prior to development and a Stormwater Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for all areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. According to the Soil Survey hydric soils do not exist on the site. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.

Public Utilities:

The property is within the Viola High Level Water System Area. The higher portions can be served directly from this system and the lower areas will be served with the installation of an additional public pressure reducing (PRV) station (s), expanding the current Intermediate Level Water System Area (within the Century Point development), to provide those areas with adequate pressures. Ultimately the 2 PRV stations must be inter-connected.

Networking of the High Level and Intermediate Level systems to eliminate dead ends is crucial in both areas to provide adequate flows for fire protection and water quality. The water main in the cul-de-sac streets and dead-ends must be looped and water mains must be extended to adjacent properties per the requirements of the RPU – Water Department.

Static water pressures within this area will range from the mid 50's to the low 90's PSI. The builders must install pressure-reducing devices near the domestic

259

water meters as required by the Minnesota Plumbing Code.

Specific routing and extension of utilities to serve the property will be addressed through the platting process and plan review.

Parkland Dedication:

Parkland Dedication requirements for the proposed development are estimated to be 23 acres and should be in the form of land. A minimum of 11 acres of the land should be land meeting dedication standards.

The park access/street frontage to the park located in the SW corner of the development should be a minimum of 100 feet in width and be graded such that the park access slope is 4% or less.

The \pm 19 future park site located in the SE portion of the development includes \pm 8 acres of land meeting dedication requirements. There should be a minimum of 350 feet of access/street frontage on the northeastern portion of the site.

None of the proposed future neighborhood park areas are to be the site of storm water detention facilities.

Referral Comments:

1. Rochester Public Works Department
2. Rochester Park & Recreation Department
3. Planning Department – GIS staff
4. Olmsted County Public Works Department
5. Rochester Public Utilities Department
6. Planning Department – Wetlands LGU staff
7. MnDOT

Report Attachments:

1. Copy of proposed GDP Amendment
2. Copy of the approved GDP
3. Location Map
4. Referral Comments (5)

Summary:

The Applicant is proposing to amend the approved GDP by changing the roadway alignment in the southerly portion of the development. Also the property owner is proposing non-residential low density uses in the southwesterly portion of the development.

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999).

340

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

Land uses within the amended GDP would be consistent with the "low density residential" land use designation for the property.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The density and access of the proposed development is compatible with the existing and permissible future use of the adjacent properties. Traffic calming measures for the development will need to be planned for during the platting of the property. These measures will need to be addressed in the Development Agreement.

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

Single family housing is consistent with the adopted Land Use Plan and is also consistent with the Housing Plan standards for the physical and social environments of residential neighborhoods.

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Access to the property would be from East Circle Drive, which is designated as an "upgrade expressway". Access would be from the developed portion of the Century Hills Development and the Shannon Oaks Development in the future. The GDP also proposes roadway connections to Silver Creek Road SE. When development takes access from Silver Creek Road NE, portions of Silver Creek Road NE may need to be realigned.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

361

Access to the property would be from East Circle Drive, which is designated as an "upgrade expressway". Access would be from the developed portion of the Century Hills Development and the Shannon Oaks Development in the future. The GDP also proposes roadway connections to Silver Creek Road SE. When development takes access from Silver Creek Road NE, portions of Silver Creek Road NE may need to be realigned.

Traffic calming measures for the development will need to be planned for during the platting of the property. These measures will need to be addressed in the Development Agreement.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

The property is within the Viola High Level Water System Area. The higher portions can be served directly from this system and the lower areas will be served with the installation of an additional public pressure reducing (PRV) station (s), expanding the current Intermediate Level Water System Area (within the Century Point development), to provide those areas with adequate pressures. Ultimately the 2 PRV stations must be inter-connected.

Networking of the High Level and Intermediate Level systems to eliminate dead ends is crucial in both areas to provide adequate flows for fire protection and water quality. The water main in the cul-de-sac streets and dead-ends must be looped and water mains must be extended to adjacent properties per the requirements of the RPU – Water Department.

Static water pressures within this area will range from the mid 50's to the low 90's PSI. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.

Specific routing and extension of utilities to serve this property will be addressed through the platting process and plan review.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

In accordance with current City policy, Pedestrian Facilities are required at the Owner's expense along the entire frontage of the property abutting East Circle Drive and Silver Creek Road NE. Specific obligations will be addressed in the Development Agreement. Sidewalk will be required on both sides of all new public roadways.

Grading and Drainage Plan approval is required prior to development and a Storm water Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for all areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Grading and Drainage Plan approval is required prior to development and a Storm water Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for all areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The amended GDP is consistent with the subdivision design standards for single family housing.

Recommendation:

Staff recommends the following conditions or modifications to assure compliance with the Rochester Zoning Ordinance and Land Development Manual and applicable criteria:

1. At the time of platting:

- a. Dedication of Controlled Access shall be required along the entire frontage of East Circle Drive and Silver Creek Road NE except for the access locations shown on the GDP.***
- b. The proposed ponds shall be platted as a separate Outlot and the Owner shall execute an Ownership & Maintenance Agreement for the pond prior to development and/or Final Plat submittal.***
- c. Specific routing and extension of utilities to serve the property will be addressed through the platting process and review.***
- d. Due to the location of the property hydric soils may on the property. The property owner is responsible for identifying wetlands on the property and submitting the information as part of the platting process.***

363

Page 7
Amended GDP #122
Century Hills
December 2, 2003

2. *Grading and Drainage Plan approval is required prior to development, and a Storm Water Management charge shall apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property. Details of the Owner's obligations related to Storm Water management will be addressed in the Development Agreement.*
3. *Pedestrian Facilities are required at the Owner's expense along the entire frontage of the property abutting East Circle Drive and Silver Creek Road NE and all new public roadways. Specific obligations will be addressed in the Development Agreement.*
4. *Dedication of parkland shall be met via: land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated November 24, 2003. The amount of street frontage for the parkland areas shall be as stated in the November 24, 2003 memo.*
5. *Traffic calming measures shall be provided when the property is platted.*
6. *Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP.*

364



ROCHESTER PARK AND RECREATION DEPARTMENT

November 24, 2003

TO: Jennifer Garness
Planning

RE: Amendment to GDP #122
Century Hills

Parkland dedication for the deferred and undeveloped areas of the GDP will be about 23.0 acres. The Park Department recommends that all of the dedication be in the form of land.

The amended GDP dated 10/20/03 does not provide adequate qualifying land for neighborhood parks. The amended GDP has eliminated a ± 5.5 acre park site (labeled open space on the approved GDP) located in the central part of the development, has eliminated a ± 11.0 acre park site (labeled open space on the approved GDP) in the SE corner of the development and has eliminated a ± 1.5 acres park site (labeled open space on the approved GDP) located in the westerly part of the development.

The Park Department recommends that the amended GDP be revised to show 23.0 acres of parkland. A minimum of 11.0 acres of the land should be land meeting dedication standards. The Park Department recommends that the park sites be located in the same general areas as indicated on the approved GDP with the exception that the open space / park site located on the westerly portion of the development south of Century Valley Road can be eliminated as proposed on the amended GDP.

The amended GDP dated 11/18/03 was submitted to the Park Department on 11/21/03. This version of GDP adequately addresses the Park Department's recommendation that an additional 23 acres of future neighborhood park land be shown on the amended GDP.

The park access / street frontage to the park located in the SW corner of the development (labeled "future neighborhood park") should be a minimum of 100' in width and be graded such that the park access slope is 4% or less.

The ± 19 acre future park site located in the SE portion of the development includes ± 8.0 acres of land meeting dedication requirements. The amended GDP should include a minimum of 350' of access / street frontage on the northeastern portion of the site. Preliminary site analysis provided by the applicant's consultant showed the 350' access but the submitted GDP did not. Acceptance of this amendment to the GDP should be done with the understanding that none of the proposed future neighborhood park areas are to be the site of storm water detention facilities.

365

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

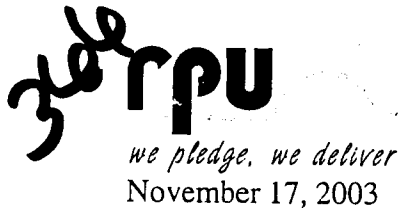
DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/25/03

The Department of Public Works has reviewed the application to AMEND General Development Plan #122, for the Century Hills development. The following are Public Works comments on the proposed amendments.

1. ~~The easterly most local street should be revised to intersect with Silver Creek Rd NE at a right angle.~~
2. ~~Access off of Silver Creek Rd NE should be provided to the proposed "Future Park". It does not appear that the parcels lying between the proposed park and Silver Creek Rd NE are owned by the applicant.~~
3. Storm Water Management must be provided for this Property. Details of the Owner's obligations related to Storm Water management will be addressed in a Development Agreement prior to Final Plat submittal.
4. Portions of the Silver Creek Rd NE may need to be realigned in the future which may require an Amended GDP, and dedication of additional ROW.
5. Traffic Calming measures for the development of this Property will be addressed in the Development Agreement, and / or through the review process during Platting.



Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Amendment to General Development Plan #122 by Payne Company known as Century Hills.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. This property is within the Viola High Level Water System Area. The higher portions (above approx. elev. 1155) can be served directly from this system and the lower areas will be served with the installation of an additional public pressure reducing (PRV) station(s), expanding the current Intermediate Level Water System Area (within the Century Point development), to provide those areas with adequate pressures. Ultimately the 2 PRV stations must be inter-connected.
2. Networking of the High Level and Intermediate Level systems to eliminate dead ends is crucial in both areas to provide adequate flows for fire protection and water quality. The water main in the cul-de-sac streets and dead-ends must be looped and water mains must be extended to adjacent properties per our requirements.
3. Static water pressures within this area will range from the mid 50's to the low 90's PSI (depending on final grades). The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
4. We will need to work closely with the applicant's engineering firm to develop the necessary water system layout to serve this area taking in to account the development phasing.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Yaggy Colby Associates
Payne Company

367

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #122 Century Hills

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☒ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

368



PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

November 12, 2003

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Amendment to General Development Plan #122 known as Century Hills by Payne Company and has the following comment:

- ***Agreement is needed between Haverhill Township and City of Rochester on Silver Creek Road.***

Sincerely,

Michael Sheehan
County Engineer

MTS/bw



T:\PW\DATA\ENG\INDOC\PLANZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

369

CONDITIONS:

1. Upon construction of 16th Avenue NW, the applicant shall file an application with the Planning Department to amend the Site Plan.
2. Parking lot design standards of the LDM must be met. Curb stops and striping shall be in place prior to occupancy of the building.
3. The owner shall execute a development agreement to address the future construction of 16th Avenue NW, as well as charges associated with street construction, extending the length of time that the temporary construction easement(s) are in place, dedication of controlled access for 16th Avenue NW sanitary sewer and water main connection charges, and charges for storm water.
4. Controlled access shall be dedicated along the entire frontage of Civic Center Drive NW, and along the east property line for the new right-of-way of 16th Avenue NW except for City Council approved access along the north property line.
5. Grading and Drainage plan approval is required for this proposal, and a Storm Water Management fee is applicable and will be calculated based on any increase in impervious surface associated with the Project vs. the existing impervious coverage.
6. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations for providing pedestrian facilities along the entire frontage of the property abutting 16th Avenue NW.

X Amendment to General Development Plan #122 known as Century Hills by Payne Company. The Applicant is proposing to amend the southerly portion of the approved GDP by changing roadway alignments and roadway connections to adjacent roadways. The property is located east of East Circle Drive, north of Silver Creek Road NE and south of Viola Road NE.

Mr. Brent Svenby presented the staff report, dated December 2, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby suggested the following change to staff-recommended condition number 5: "Any traffic calming measures needed for the development shall be incorporated into the development agreement when the property is platted."

Mr. Wade DuMond, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant is in agreement with the staff-recommended conditions as presented by staff, including the change to number 5.

Mr. Staver asked Mr. DuMond to comment on the memorandum from the Park Department.

Mr. DuMond stated that he met with Denny Stotz several times to discuss where the parks should be located. They have updated topographic information than they had previously. Denny Stotz has agreed to where they are showing their park right now. He just wants to make it clear that there is a certain acreage that needs to be dedicated.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Staver moved to recommend approval of Amendment to General Development Plan #122 known as Century Hills by Payne Company with the staff-recommended findings and conditions as presented and discussed. Mr. Haeussinger seconded the motion. The motion carried 9-0.

CONDITIONS:

1. At the time of platting:
 - a. Dedication of Controlled Access shall be required along the entire frontage of East Circle Drive and Silver Creek Road NE except for the access locations shown on the GDP.
 - b. The proposed ponds shall be platted as a separate Outlot and the Owner shall execute an Ownership & Maintenance Agreement for the pond prior to development and/or Final Plat submittal.
 - c. Specific routing and extension of utilities to serve the property will be addressed through the platting process and review.
 - d. Due to the location of the property, hydric soils may be located on the property. The property owner is responsible for identifying wetlands on the property and submitting the information as part of the platting process.
2. Grading and Drainage Plan approval is required prior to development, and a Storm Water Management charge shall apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for areas of the Property that do not drain to a detention facility that has been approved by the City to serve this Property. Details of the Owner's obligations related to Storm Water management will be addressed in the Development Agreement.
3. Pedestrian Facilities are required at the Owner's expense along the entire frontage of the property abutting East Circle Drive and Silver Creek Road NE and all new public roadways. Specific obligations will be addressed in the Development Agreement.
4. Dedication of parkland shall be met via: land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated November 24, 2003. The amount of street frontage for the parkland areas shall be as stated in the November 24, 2003 memo.
5. Any traffic calming measures needed for the development shall be incorporated into the development agreement when the property is platted.
6. Any conditions of approval, which previously applied to approval of this GDP, still apply to the GDP.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-05-04

371

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-16
ITEM DESCRIPTION: Zoning District Amendment #03-18 by McDonald's Corporation to amend the zoning from R-3 (medium density residential) zoning district to the B-1 (Restricted Commercial) district on Lot 7 & 16, Block 36 Northern Addition and the east 7 ½ feet of the vacated alley along the west side. The property is located along the south side of 12 th Street NE, east of the McDonald's restaurant and is currently used as a parking area for McDonald's.		PREPARED BY: Brent Svenby, Planner

December 29, 2003

The applicant has requested that the application be continued to the February 2nd City Council meeting.

Council Action Needed:

Continue the hearing to the February 2nd City Council meeting.

Distribution:

1. City Administrator
2. City Attorney: Legal Description
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 5, 2004 in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:

Seconded By:

Action:

372
McDonald's

Courtesy Corporation
2700 National Drive
Suite 100
Onalaska, Wisconsin 54650
Phone: (608) 781-8080
Fax: (608) 781-8555
Web: www.McCourtesy.com

December 29, 2003

Brent Svenby
City Planning and Zoning Commission
2122 Campus Drive, S.E., Suite 100
Rochester, MN 55904-4744

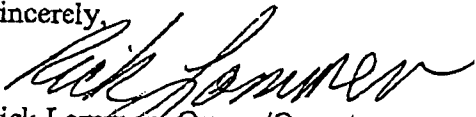
Dear Brent:

I am requesting that the hearing for the Zoning District Amendment #03-18 and the General Development Plan #216 by McDonald's Restaurants be delayed until the Rochester City Council Meeting on Monday, February 2, 2004.

I am also waiving any obligation by the City of Rochester to act within the time limits set forth by state statutes with regard to this matter.

I appreciate your assistance in this matter. Please call with any questions you may have.

Sincerely,


Rick Lommen, Owner/Operator
Courtesy Corporation-McDonald's
2700 National Drive, Suite 100
Onalaska, WI 54650

RL:sl

Faxed to 507.287.2275 at 4:05 PM on 12-29-03

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-05-04

373

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-17

ITEM DESCRIPTION: General Development Plan #216 to be known as McDonald's on North Broadway by McDonald's Corporation. The applicant is proposing to reconstruct the existing McDonald's restaurant and expanding the parking area. The property is located at 1116 North Broadway and involves expanding the site to the east.

PREPARED BY:
Brent Svenby,
Planner

December 29, 2003

The applicant has requested that the application be continued to the February 2nd City Council meeting.

Council Action Needed:

Continue the hearing to the February 2nd City Council meeting.

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 5, 2004 in the Council/Board Chambers in the Government Center at 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

374

McDonald's

Courtesy Corporation
2700 National Drive
Suite 100
Onalaska, Wisconsin 54650
Phone: (608) 781-8080
Fax: (608) 781-8555
Web: www.McCourtesy.com

December 29, 2003

Brent Svenby
City Planning and Zoning Commission
2122 Campus Drive, S.E., Suite 100
Rochester, MN 55904-4744

Dear Brent:

I am requesting that the hearing for the Zoning District Amendment #03-18 and the General Development Plan #216 by McDonald's Restaurants be delayed until the Rochester City Council Meeting on Monday, February 2, 2004.

I am also waiving any obligation by the City of Rochester to act within the time limits set forth by state statutes with regard to this matter.

I appreciate your assistance in this matter. Please call with any questions you may have.

Sincerely,



Rick Lommen, Owner/Operator
Courtesy Corporation-McDonald's
2700 National Drive, Suite 100
Onalaska, WI 54650

RL:sl

Faxed to 507.287.2275 at 4:05 PM on 12-29-03

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 1-5-04

375

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-18

ITEM DESCRIPTION: Vacation Petition #03-09 by DLT Partners LLC to vacate Right-of-Way. The applicant is requesting to vacate the public road right-of-way dedicated for 3rd Avenue NW south of 31st Street NW. The roadway has been abandoned. The right-of-way is located south of 31st Street NW and is approximately 582 feet in length.

PREPARED BY:
Theresa Fogarty,
Planner

December 30, 2003

Planning Department Recommendation:

See attached staff report dated December 3, 2003.

The Planning & Zoning Commission reviewed this vacation request at their December 10, 2003.

The Commission recommended approval 9-0, subject to the following condition:

1. Prior to recording the vacation, a drainage & utility easement shall be dedicated over the entire right-of-way requested to be vacated.

Rochester Public Works had informed Planning Staff that only the westerly 45 feet of the street right-of-way needs to be retained as an easement. Staff recommends approval subject to retaining a drainage and utility ^{easement} over the westerly 45 feet of the right-of-way.

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition subject to retaining a drainage and utility easement over the westerly 45 feet of the right-of-way.

Attachments:

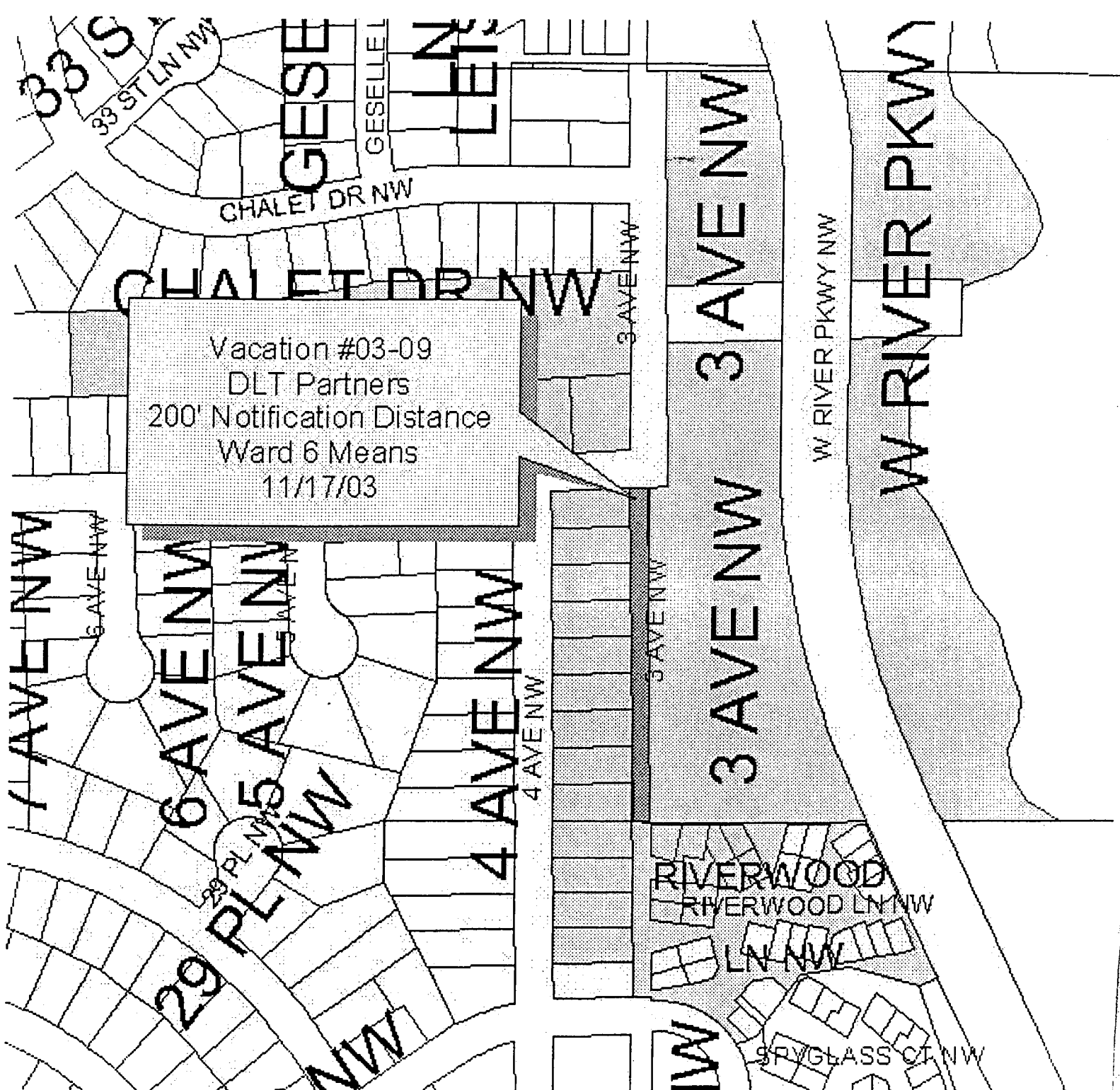
1. Staff Report
2. Minutes of the CP&ZC December 10, 2003 meeting

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicants: This item will be considered by the Council sometime after 7:00 p.m. on Monday, January 5, 2004, in the Council/Board Chambers at the Government Center, 151 4th Street SE, Rochester, MN.
6. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

377



Vacation #03-09
DLT Partners
200' Notification Distance
Ward 6 Means
11/17/03

378



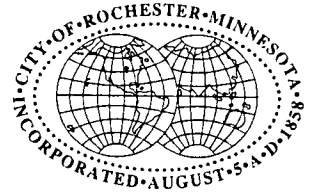
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 3, 2003

RE: Vacation Petition #03-09 by DLT Partners LLC to vacate Right-of-Way. The applicant is requesting to vacate the public road right-of-way dedicated for 3rd Avenue NW south of 31st Street NW. The roadway has been abandoned. The right-of-way is located south of 31st Street NW and is approximately 582 feet in length.

Planning Department Review:

Petitioner(s): DLT Partners LLC
4183 Arboretum Drive NW
Rochester, MN 55901

Engineer / Architect: Yaggy Colby Associated
717 Third Avenue SE
Rochester, MN 55904

Referral Comments: Rochester Public Utilities – Operations Division
Rochester Public Works

Report Attachments: 1. Referral Comments (2 letters)
2. Location Map

Staff Recommendation:

The applicant is requesting to vacate this old township road that has been abandoned through this area. The southern portion of the roadway has previously been vacated. Approving this vacation will assist with the development of vacant property to the east of this section of right-of-way.

Rochester Public Works has no objection as long as the entire right-of-way is dedicated as a public drainage easement. In addition, the Rochester Public Utility – Operations has no objections and requests that the westerly ½ of the right-of-way remain as a utility easement. Therefore, staff recommends approving this vacation petition with the following recommendation.

1. Prior to recording the vacation, a drainage & utility easement shall be dedicated over the entire right-of-way requested to be vacated.



379

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/24/03

The Department of Public Works has reviewed the application requesting Vacation #03-09 by DLT Partners LLC, to vacate a portion of the 3rd Ave NW right-of-way. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided a Public Drainage Easement is retained of the entire vacated ROW.



rpu

we pledge. we deliver

DATE: October 31, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Vacation Petition #03-09, by DLT Partners LLC to vacate Right-of-Way. The applicant is requesting to vacate the public road right-of-way dedicated for 3rd Avenue NW south of 31st Street NW. The roadway has been abandoned. The right-of-way is located south of 31st Street NW and is approximately 582 feet in length.

RPU's Operations Division review of the above-referenced vacation petition is complete and our comments follow:

1. RPU has electrical distribution facilities located within the area proposed for vacation and requests that the westerly ½ of the right-of-way remain as a utility easement.

Sincerely,

la
c. DLT Partners, LLC
Yaggy Colby Associates

381

MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, December 10, 2003, at 6:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Robert Haeussinger; Mr. Paul Ohly; Mr. Ivahn Dockter; and Mr. James Burke

Members Absent: None

Staff Present: Ms. Mitzi A. Baker, Mr. Brent Svenby; Mr. Philip H. Wheeler; and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

Ms. Wiesner announced that the Commission would take a break at 8:30 p.m. and that the meeting could be recessed to December 17, 2003 at 7:00 p.m. at the same location, if there were agenda items left over after 11:00 p.m. She further asked that individuals not repeat what others have stated before them.

Ms. Wiesner stated that General Development Plan #114 and Special District #4 for Fox Knob would be continued to January 14, 2003. Also, Land Use Plan Amendment #03-07, Zoning District Amendment #03-24, and General Development Plan #221, by Mark Leitzen would be continued to January 14, 2003.

CONSENT AGENDA:

Mr. Haeussinger made a motion to approve the following consent items. Mr. Quinn seconded the motion.

- November 12, 2003 minutes
- Vacation Petition #03-09 by DLT Partners LLC to vacate right-of-way

The motion carried unanimously.

CONTINUED & TABLED ITEMS:

Type III, Phase II Restrictive Development and Incentive Development Preliminary Plan #03-50 and Variance #03-21 by Carpenter & Morgerson II, LLC. The applicant is proposing to develop a 120 room, 5 story hotel at the corner of 2nd St. SW and 13th Ave. SW. The total floor area ratio is 1.64 and provides 125 parking spaces and proposes to construct over the alley. The applicant is also requesting a variance to the height regulations and is requesting a maximum height of 80 feet. The property is located along the north side of 2nd St. SW, along the west side of 13th Ave. SW and along the south side of 1st St. SW.

282

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 12/29/03

383

ITEM NO.

E-19

AGENDA SECTION:
PUBLIC HEARINGS

ORIGINATING DEPT:
PLANNING

ITEM DESCRIPTION: Text Amendment #03-09 – To amend Section 60.175 regarding Fees of the Rochester Zoning and Land Development Manual.

PREPARED BY:
Larry
Klemenhausen

December 30, 2003

This text amendment will amend the current zoning and development application fees.

Planning Department Recommendation:

Planning monitors expenses and revenues pertaining to the administration of Rochester Zoning and Land Development Manual. As a result of this information, a fee schedule was adopted earlier this year. The fees for evaluating and processing development applications continue to be heavily supported by the tax levy. Adjusting these fees will require the applicants or developers fund a greater share of the costs of administering these programs.

The effect of accelerating a portion of the 2005 fee increase will be to reduce reliance on the County levy in support of development reviews. The cost for a typical lot with the approved compared to the proposed fee schedule. The net result for 2005 is no change; for 2004 the net change is \$11.51 per lot.

Planning Administrative Services Committee (PASC) Recommendation:

November 14, 2003, the PASC approved the recommended fee increases.

City Planning and Zoning Commission (CPZC) Recommendation:

The City Planning and Zoning Commission on December 10, 2003 held a public hearing, reviewed the text changes and the proposed fees. The Planning Commission recommended approval of Text Amendment #03-09. Motion carried 9-0.

Council Action Needed:

1. If the Council wishes to adopt the Text Amendment #03-09 and multi-year fee schedule, it should instruct the City Attorney to prepare an ordinance for adoption.

Attachments:

1. December 2, 2003 Staff Report and Text Amendment
2. Planning Administrative Services Committee – November 14, 2003 Minutes
3. City Planning and Zoning Commission - December 10, 2003 Minutes.
- 4.

Distribution:

1. City Clerk
2. City Attorney
3. City Administrator
4. Planning Department File

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904-4744
(507) 285-8232

TO: City Planning and Zoning Commission
FROM: Larry Klemenhausen, AICP
DATE: December 2, 2003
RE: Text Amendment #03-09, to amend Section 60.175 regarding Fees of the Rochester Zoning Ordinance and Land Development Manual.

The Planning Administrative Service Committee (PASC) reviewed and approved the proposed fee schedule for zoning permits and development applications. The City Planning and Zoning Commission and the City Council will need to consider the fee proposal and take action before the fees can take effect.

In May 2003, the City Council adopted a fee schedule for a period of 2003 to 2005. An amendment to this fee schedule has been proposed to accelerate the fees pertaining to development reviews in 2004. The 2005 fees remain the same in this proposal. This increase is needed to retain the current level of service when processing development applications and to offset the decrease in tax levy of \$28,000 currently supporting this function.

The fee increase effective June 1, 2003 has increased revenues and improved the recovery rate to 48% this year. The table below indicates the level of activity processing development applications in recent years.

Year	Number of Applications	Time Hours	Expense	Revenue	Recovery Rate
2000	524	8,493	\$392,615	\$199,344	51%
2001	518	8,547	\$407,583	\$164,034	40%
2002	550	9,103	\$481,733	\$209,251	43%
2003*	429	7,118	\$404,641	\$192,254	48%

* January – October 2003

Amendment: The proposed amendment, as shown, includes the January 1, 2004 rate of fees as a reference in this report. The actual amendment, if adopted, will exclude the January 1, 2004 fee column and only include the fee rate effective February 8, 2004 and January 1, 2005. The 2005 fees rate remains unchanged.

Section 60.175 Fees: There shall be fees adopted for various applications and requests for information from time to time by ordinance of the City Council. The fees adopted on the last date of the schedule below, will remain in effect until otherwise amended.

3) Development Application Fees:

Application Type	Rate of Fee		
	January 1, 2004	February 8, 2004	January 1, 2005
Urban Service Area			
Land Use Plan Amendment			
Less than 1 acre	\$1,200 per application	\$1,325 per application	\$1,600 per application
1 - 10 acres	\$1,200 + \$40 per acre	\$1,325 + \$42 per acre	\$1,600 + \$45 per acre
11 - 99 acres	\$1,600 + \$10 per acre	\$1,755 + \$12 per acre	\$2,050 + \$13 per acre
100 + acres	\$2,490 + \$1 per acre	\$2,823 + \$1 per acre	\$3,207 + \$1 per acre
Text Amendment	\$700 per application	\$770 per application	\$1,000 per application
General Development Plan	\$900 per application	\$1,000 per application	\$1,200 per application
Type I			
Home Occupation	\$280 per application	\$300 per application	\$325 per application
Site Development	\$280 per application	\$300 per application	\$325 per application
Design Modification	\$100 per application	\$110 per application	\$120 per application
Land Subdivision Permit	\$350 per application	\$385 per application	\$420 per application
PUD Amendments	\$400 per application	\$440 per application	\$475 per application
Performance Residential	\$400 per application	\$440 per application	\$475 per application
Conditional Use Changes	\$400 per application	\$440 per application	\$475 per application
Amendment to GDP	\$400 per application	\$440 per application	\$475 per application
Type II	\$650 per application	\$720 per application	\$850 per application
Type III - Phase I			
Less than 1 acre	\$850 per application	\$935 per application	\$1,100 per application
1 - 10 acres	\$850 + \$50 per acre	\$935 + \$55 per acre	\$1,100 + \$60 per acre
11 - 99 acres	\$1,350 + \$10 per acre	\$1,485 + \$12 per acre	\$1,700 + \$15 per acre
100 + acres	\$2,240 + \$1 per acre	\$2,553 + \$1 per acre	\$3,035 + \$1 per acre
Type III - Phase II			
Less than 1 acre	\$1,000 per application	\$1,100 per application	\$1,300 per application
1 - 10 acres	\$1,000 + \$50 per acre	\$1,100 + \$55 per acre	\$1,300 + \$60 per acre
11 - 99 acres	\$1,500 + \$10 per acre	\$1,650 + \$12 per acre	\$1,900 + \$15 per acre
100 + acres	\$2,390 + \$1 per acre	\$2,718 + \$1 per acre	\$3,235 + \$1 per acre

36

Application Type	Rate of Fee		
	January 1, 2004	February 8, 2004	January 1, 2005
Type III - Phase III			
Less than 1 acre	\$850 per application	\$935 per application	\$1,100 per application
1 - 10 acres	\$850 + \$50 per acre	\$935 + \$55 per acre	\$1,100 + \$60 per acre
11 - 99 acres	\$1,350 + \$10 per acre	\$1,485 + \$12 per acre	\$1,700 + \$15 per acre
100 + acres	\$2,240 + \$1 per acre	\$2,553 + \$1 per acre	\$3,035 + \$1 per acre
Type III - Phase I - Variance			
Residential Use	\$330 per application	\$360 per application	\$425 per application
Residential Use with Multiple Lots	\$330 per application \$120 per additional lot	\$360 per application \$135 per additional lot	\$425 per application \$150 per additional lot
Non-Residential Use	\$650 per application	\$720 per application	\$850 per application
Appeals	\$330 per application	\$360 per application	\$425 per application
Type II			
Land Subdivision Permit	\$800 per application plus \$15 per lot	\$880 per application plus \$17 per lot	\$1,000 per application plus \$20 per lot
Type III			
Land Subdivision Permit	\$900 per application plus \$15 per lot	\$1,000 per application plus \$17 per lot	\$1,200 per application plus \$20 per lot
Type III			
Final Plat	\$650 per application plus \$15 per lot	\$720 per application plus \$17 per lot	\$850 per application plus \$20 per lot
New Special District			
Less than 1 acre	\$1,200 per application	\$1,320 per application	\$1,600 per application
1 - 10 acres	\$1,200 + \$40 per acre	\$1,320 + \$42 per acre	\$1,600 + \$45 per acre
11 - 99 acres	\$1,600 + \$10 per acre	\$1,740 + \$12 per acre	\$2,050 + \$13 per acre
100 + acres	\$2,490 + \$1 per acre	\$2,808 + \$1 per acre	\$3,207 + \$1 per acre
Special District			
Project Development Plan, Amendments, or Final Site Plan			
Less than 1 acre	\$1,000 per application	\$1,100 per application	\$1,300 per application
1 - 10 acres	\$1,000 + \$40 per acre	\$1,100 + \$42 per acre	\$1,300 + \$45 per acre
11 - 99 acres	\$1,400 + \$10 per acre	\$1,520 + \$12 per acre	\$1,750 + \$13 per acre
100 + acres	\$2,290 + \$1 per acre	\$2,588 + \$1 per acre	\$2,907 + \$1 per acre
Annexation			
Less than 1 acre	\$650 per application	\$720 per application	\$850 per application
1 - 10 acres	\$650 + \$40 per acre	\$720 + \$45 per acre	\$850 + \$50 per acre
11 - 99 acres	\$1,050 + \$4 per acre	\$1,170 + \$4 per acre	\$1,350 + \$5 per acre
100 + acres	\$1,406 + \$1 per acre	\$1,526 + \$1 per acre	\$1,795 + \$1 per acre

387

Application Type	Rate of Fee		
	January 1, 2004	February 8, 2004	January 1, 2005
Vacations			
Utility Easement	\$330 per application	\$360 per application	\$425 per application
Right of Way, Alley & Other	\$650 per application	\$720 per application	\$850 per application
Traffic Impact Study			
Rezoning Traffic Analysis or Traffic Impact Report	\$150 per application plus \$70 per hour (over 2 hrs)	\$150 per application plus \$70 per hour (over 2 hrs)	\$150 per application plus \$75 per hour (over 2 hrs)
Traffic Design Analysis or waived Traffic Impact Report	\$70 per application	\$70 per application	\$75 per application
Thoroughfare Plan Amend.	\$650 per application	\$720 per application	\$850 per application
Environmental Worksheet			
Less than 1 acre	\$1,200 per application	\$1,320 per application	\$1,600 per application
1 - 10 acres	\$1,200 + \$60 per acre	\$1,320 + \$65 per acre	\$1,600 + \$70 per acre
11 - 99 acres	\$1,800 + \$11 per acre	\$1,970 + \$13 per acre	\$2,300 + \$15 per acre
100 + acres	\$2,779 + \$1 per acre	\$3,127 + \$1 per acre	\$3,635 + \$1 per acre
Environmental Impact Statement	To be determined on a contractual basis	To be determined on a contractual basis	To be determined on a contractual basis
Manufactured Home Park			
1 - 10 homes	\$1,000 (1-10 homes)	\$1,100 (1-10 homes)	\$1,300 (1-10 homes)
11 - 99 homes	\$1,000 + \$15 per home	\$1,100 + \$17 per home	\$1,300 + \$20 per home
100+ homes	\$2,350 + \$5 per home	\$2,630 + \$5 per home	\$3,100 + \$5 per home
Manufactured Home Park Amendment	\$650 per application	\$720 per application	\$850 per application

The effect of accelerating a portion of the 2005 fee increase will be to reduce reliance on the County levy in support of development reviews. The table below compares the cost for a typical lot with the approved compared to the proposed fee schedule. The net result for 2005 is no change; for 2004 the net change is \$11.51 per lot.

	Approved Development Fees per lot	% Increase from Previous Year	Proposed Development Fees per Lot	% Increase from Previous Year
2002	\$71.33			
2003	\$90.33	27%	\$90.33	27%
2004	\$115.17	27%	\$126.68	40%
2005	\$150.67	31%	\$150.67	19%



PLANNING ADMINISTRATIVE SERVICES COMMITTEE

Minutes of the regular meeting of the Planning Administrative Services Committee held on Friday, November 14, 2003 in Conference Rooms A and B, located at 2122 Campus Drive SE, Suite 100, Rochester, Minnesota 55904.

Members Present: Ms. Janet Hoffmann, Townships
Mr. Jean McConnell, City Council
Mr. Matt Flynn, County Commissioner
Mr. Sandra Means, City Council

Members Absent: Mr. Jerry Hendricks Small Cities
Mr. Jim Bier, County Commissioner

Staff Present: Mr. Phil Wheeler, Planning Director
Mr. Larry Klemenhausen, Administrative Planning Supervisor
Mr. Ron Livingston, Planning Division Supervisor
Ms. Jan Chezick, GIS Division Supervisor
Ms. Mary Sheehan, Secretary

Others Present: Mr. Stevan Kvenvold, Rochester City Administrator

ADMINISTRATIVE BUSINESS:

Chairperson Mr. Jean McConnell called the meeting to order at 12.05 pm.

Mr. Flynn moved, seconded by Ms. Hoffmann to approve the minutes of the March 4, 2003 meeting. The motion carried unanimously.

Mr. Wheeler stated that he would like to add one item, a current fee revenue report, to the agenda. Mr. McConnell accepted the item as an additional item to the agenda.

ITEMS TO BE PRESENTED:

1. Fee Revenue Report

Mr. Klemenhausen presented the current fee revenue report for the Planning Department and gave an update on the fee revenue realized for the first 10 months of 2003. The Planning Department will be approximately \$200,000 above the budget in terms of fee revenue for this year if the higher than anticipated building activity continues. He reported that the building permit activity in the Inspections Division has been especially active, in this area alone, revenues are anticipated to be \$137,000 more than budgeted. Since building permit fee have not been changed since January

2000, the additional revenue is due primarily to increased permit volume. He stated that the GIS impact and addressing fees were not represented in the report, but that he anticipated that this year's revenues would exceed the \$40,000 budgeted for GIS fees.

2. Review the role of the PASC in budget and work program approval.

Mr. Wheeler presented a copy of the PASC Agreement and reviewed the role of the Planning Advisory Services Committee. He stated that the PASC Board was responsible for recommending to the County Board what amount of tax levy should be applied to the Planning Department. The PASC Board then determines the work program for the Planning Department subject to the levy amount.

Discussion ensued regarding the amendments made to the PASC agreement.

3. Rochester-Olmsted Planning Department Budget.

Mr. Wheeler explained that the proposed budget meets the Planning Department's share of the County's overall budget goal, without a reduction in staff, by a combination of factors: reliance on the already approved fee increases; increased grant revenues in the housing and transportation area; and also a reduction in operating expenses that include \$32,000 in consultant fees and an additional \$22,000 of other expenses. The \$162,000 of additional revenue includes \$98,000 of additional fee revenue, and \$64,000 of additional transportation planning grant revenue. The proposed budget results in a 25% reduction in the levy for the department and would also continue to provide the services that the community is demanding. The only staff impact would be the loss of an intern position that has not been filled.

Mr. McConnell asked if the budget had enough "fudge factor" to support the Planning Department if revenues were to go way down.

Mr. Wheeler replied that he did not think that revenue would go way down next year because of the number of vacant lots that already exist in recently approved plats in the immediate area around Rochester.

4. Consider recommendation for accelerating second year of approved development fees.

Mr. Wheeler stated that the Planning Department was approved for a 3 year, 30% per year, increase in the fees related to development applications that require hearings. He proposed that the second year 30% fee increase be increased to 43%, and consequently the third year fee increase be reduced by 18%, which would move \$28,000 of increased revenue from year 2005 to 2004. Accelerating the revenue would not affect the ultimate fees charged in the third year, but would reduce the subsidy amount that the taxpayer would pay for reviewing development applications as a share of total expenses in the second year. The average price of a lot would increase by only \$10, which would be a fairly small impact given the price of a lot.

He stated that accelerating the revenue would be another way to cover the cost of reviewing development applications and enable staff to continue to respond in a timely fashion. Losing staff would require more time to review applications and would ultimately add more than \$10 to the cost of new lots. Mr. Kvenvold asked if the "60-day rule" would prevent the Planning Department from taking more time to review the development applications.

Mr. Wheeler replied yes, unless the applicant approved more time. He stated that a third possible option would be to simply process applications without staff review, but that he thought it would not be wise because staff adds considerably to the quality of the applications that come through and ultimately get approved.

Mr. Kvenvold stated that the majority of the City Council's time is involved with development activity. The City Council relies heavily on Planning staff input. He stated that more Planning staff input is needed in the long-range planning area. If the Planning Department were to reduce staff, there would be no time available for long-range planning at all. He would much rather see fee increases than a reduction in staff.

Ms. Means stated that the City Council relies on the expertise and professionalism of the staff. Reducing staff is not an option, because of the need for a collaborative effort of the Planning staff to assist the City Council.

Mr. Wheeler stated that the public, neighborhood associations, as well as the developers expect the Planning staff to do a thorough and objective job of reviewing new developments.

Mr. Flynn stated that, theoretically, computers take a lot of personnel hours away. There is a correlation between extra staff time and the public relations time. He stated that neighborhood meetings are only public relations time.

Mr. Kvenvold stated that the neighborhood meetings are very important from the City Council's standpoint. Neighbors come to the meetings upset about new development issues. The best way to address their concerns is for Planning staff to meet with the neighborhood associations.

Mr. Wheeler stated that Planning staff meets the needs of the neighborhoods by providing objective facts regarding development. The staff does not try to organize, nor diffuse, neighborhood opposition but to simply address the concerns and give the information needed to answer the questions that are brought up.

Ms. Means stated that the taxpayers should have their voices heard and they need access to as much information to understand the changes taking place in their neighborhood.

391.

Mr. Kvenvold stated that he could understand why developers don't like fee increases but they would pay more to develop in the Twin Cities metro area. He asked the Board to consider who should pay for the cost of new developments; should the new people moving in pay for the development or should the people already living in the area cover the costs. The fees would move the cost to the new people rather than to the existing people.

Mr. Flynn stated that he did not agree with this increase in revenue fees. The Board had already implemented a 30% increase in fees over the next 3 years and the fees should not be increased.

Mr. Wheeler stated that the proposed budget accelerates the revenue over the middle years, but the end result for the third year fee rates remains the same.

Mr. McConnell asked Mr. Flynn if he would rather see the added development expenses covered by the general funds that are paid by the taxpayers instead of having the developers pay the fees.

Mr. Flynn replied yes. He expressed his concern that most people feel they don't receive the amount of services they get taxed for, although taxes cover a lot of services the public does not see that are needed to be able to live in a nice community.

Mr. Kvenvold stated that, when new development comes in, it should pay for the costs that it generates, including paying for staff review of the development. The cost of the development should go to the new people that are building the new houses on the new land, and not to the people living in the existing older homes in the City.

Discussion ensued regarding the costs involved for the City for new development.

Ms. Means stated that it is appropriate to start capturing some of the true costs of doing business instead of subsidizing the cost by other forms of government.

Mr. Flynn stated that was not realistic. He stated that he thought the government workers could not afford to price themselves out of a job either.

Ms. Means stated that the fees should reflect a more accurate dollar amount for services rendered.

Discussion ensued regarding who should pay for new development.

Mr. Kvenvold asked Mr. Flynn if he would be more supportive of a fee to developers than to have his constituents property taxes increase.

Mr. Flynn replied that the fee to the developer would get passed down to the person buying the house anyway. We should try to provide affordable housing.

Mr. Wheeler stated that the average price of homes has gone up because of the high demand for construction and also the average size of homes is getting larger.

Mr. McConnell stated that most of the lower and middle-income people live in the older areas of Rochester.

Mr. Wheeler stated that lower and middle-income people do not buy homes in the fringe area. Most of the people that are getting the benefit of having 55% of the development costs being covered by the taxpayer are not lower-income people but affluent new home purchasers. If we were to target an affordable housing program, we would do better not to have everyone pay for the cost of new lots.

Mr. McConnell stated that he was uncomfortable with how high the fees are going.

Mr. Wheeler stated that the PASC Board could make a recommendation to the County Board not to accelerate the fees and have the costs of development review covered by restoring \$28,000 from the levy.

5. Consider recommendation for increase in GIS and addressing fees.

Mr. Wheeler made corrections to the E911 Addressing/GIS Fee report. He noted that had the new fees been in effect January 1, 2003, the tax levy would have been reduced to 54% of expenses, not 52%. And the proposed fee for recorded plats would be \$300 instead of \$250, plus \$10 per lot.

Mr. Wheeler stated that the rationale for having the new property owner pay for his own address is that his address is unique to that property and that the owner is the chief beneficiary of having the address. On the other hand, there is a general broad public interest in quality wells for safe-drinking water, which is funded in larger proportion by the general fund. Currently, a new property owner pays for all of the building and zoning fees, but the general public pays 80% of the cost of assigning and tracking the new property owner's address. Since we are charging the new property owner 100% of the building and development costs, it would seem reasonable to have the property owner pay for his own address.

Mr. Wheeler explained that it is mainly new development that creates most of the new base map activity. In order to make up for the loss in State aid to the County and still maintain the excellent quality of the GIS function, we need to either restore the levy or increase fees. He explained that the proposal is to raise the cost for plats by 50% and lots by 100%, but that all other fees would remain the same in the addressing area.

Mr. Wheeler stated that the Olmsted County GIS Department is "world class." He updated the Board on the excellent progress made by the GIS Department in the area of the Roadway Network Database and explained how it will enable the department to network dispatching and perform other transportation system management functions, working with MnDot, by creating an intelligent map. He stated that, because of

reliance on the GIS system, the department costs for salary and personnel cost have been kept low.

Ms. Chezick stated that the Olmsted County GIS Department is the primary source for homeland security information. We have developed and maintain a lot of data that would be relied on in the event of an emergency. We continue to maintain the level of expertise that is critical for progressing with the Roadway Network Database.

Mr. McConnell asked if all the new technology in the GIS department was included in the budget.

Mr. Wheeler replied yes. He explained that, in order to maintain the GIS Department, \$70,000 in revenue would either need to come from the proposed fee increases, which would reduce the Department's levy by 25%, or from restoring \$70,000 from the levy. He recommended that the PASC Board make a recommendation to the City Council and the County Board for the proposed development fees, and to the County Board for the increased GIS and addressing fees.

Mr. Kvenvold recommended that the PASC Board adopt the proposed budget, which would maintain the level of staff service available to meet the needs of the community, whether through levy or fee increases. He suggested that the budget be met through a fee increase rather than through the levy.

Mr. Flynn stated that the budget did not take into account the potential for growth in business next year and made note that the budget was already over by \$200,000 this year.

Mr. Wheeler stated that the \$200,000 is partly the result of the increased fees that were already approved. He stated that the fee increases that were already approved were factored into the proposed budget. He stated that Planning department does not keep the excess revenues generated, but the revenue would go into the general fund.

Ms. Means stated that the Planning Department has under-charged and relied on other resources to subsidize the services, and that it is time to recapture some of the actual costs through fees. She stated that the development fees are lower than the metro area.

Ms. Means made a motion to adopt the budget as proposed by the Planning Department to continue to maintain staff for the services provided to the citizens, either through restoring the levy or through fee increases, with preference for increasing the fees to reflect a more accurate dollar amount for services rendered. Ms. Hoffmann seconded the motion. The motion carried 3-1, with Mr. Flynn voting nay.

Mr. Kvenvold stated that the County Board would make the judgment of either increasing the fees to maintain the level of service or restoring a portion of the levy.

He stated that, if planning staff were to be reduced, he would want to have the whole City Council discuss how that would affect their business prior to losing any staff.

1. Preliminary discussion of work program elements for 2004 (time permitting).

Mr. Wheeler handed out the work program draft for the Board to prepare for the next scheduled PASC meeting. He stated that the Board would not be able to decide on the work program until the County Board sets the levy.

OTHER BUSINESS:

Mr. Wheeler reported that Mr. Charlie Reiter, Transportation Supervisor, had started telecommuting for the County from the State of Connecticut. He stated that he believed that the arrangement would work well.

Mr. McConnell expressed his concerns regarding the telecommuting of Mr. Reiter for the Transportation Department. Discussion ensued.

ADJOURNMENT:

The meeting adjourned at 1:08 pm.

PLANNING ADMINISTRATIVE SERVICES COMMITTEE

Jean McConnell, Chairperson

Philip H. Wheeler, Planning Director

395

7. Grading and Drainage Plan approved is required for future development on this Property.
8. Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.
9. A separate surety in an amount and form approved by the City Engineer, shall be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.

Ms. Rivas moved to recommend approval of the Substantial Land Alteration permit by Mark Leitzen with the staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 9-0.

Land Use Plan Amendment #03-07, Zoning District Amendment #03-24, and General Development Plan #221, by Mark Leitzen. The applicant is proposing to Amend the Rochester Urban Service Area Land Use Plan to designate property "commercial" and "industrial" uses and to zone approximately 10.87 acres of the property B-4 (General Commercial) and 44.10 acres M-1 (Mixed Commercial-Industrial). The General Development Plan identifies future roadways and lot configurations. The property includes approximately 55 acres of land located south of the Southport development, west of C.R. 1 and north of TH 52 S.

Ms. Wiesner opened the public hearing.

Ms. Wiesner moved to continue Land Use Plan Amendment #03-07, Zoning District Amendment #03-24, and General Development Plan #221, by Mark Leitzen to January 14, 2004. Mr. Ohly seconded the motion. The motion carried 9-0.

Text Amendment #03-09 to amend Section 60.175 regarding Fees of the Rochester Planning and Zoning Ordinance and Land Development Manual. This amendment will adjust fees pertaining to zoning permits and development applications beginning in 2004. Copies of the proposed fee schedule are available at the office of the Rochester Olmsted Planning Department, 2122 Campus Dr. SE, Suite 100, Rochester, Minnesota.

Mr. Philip H. Wheeler presented the staff report, dated December 2, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Wheeler explained that, compared to what was already approved, lots would only go up \$11.00 per lot.

Mr. Wheeler stated that the reasoning for the amendment is purely financial. He explained what the Rochester-Olmsted Planning Department's levy support was over the years.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Text Amendment #03-09 to amend Section 60.175 regarding Fees of the Rochester Planning and Zoning Ordinance and Land Development Manual. Ms. Rivas seconded the motion. The motion carried 9-0.

OTHER BUSINESS:

1. Changes to B-5 district

Ms. Baker handed out memo from McGhie and Betts for additional uses they would like to be considered to the B-5 zoning district.

Ms. Baker explained that staff would like to add some uses to the B-5 zoning district that would service neighborhoods. They would not be intended to be uses that would service larger portions of community. Examples include:

- o Standard restaurant
- o Neighborhood retail
- o Neighborhood food sales/service
- o Craftsperson's studio/sales
- o Neighborhood movie or equipment rental
- o Multi-family residential, above ground floor commercial

Discussion ensued regarding not wanting a drive-through as a neighborhood use.

Mr. Haeussinger moved to initiate a text amendment for changes in the B-5 zoning district as presented by staff. Mr. Quinn seconded the motion. The motion carried 9-0.

2. As may be brought up with members

Mr. Burke stated that there will be a meeting regarding Decorah Shale on January 22, 2004. He stated that he hopes to get experts from the State and Federal government and plan to have a round table of all interested parties. He indicated that he was not sure where the meeting would be located at this time.

ADJOURN:

Motion made by Mr. Quinn to adjourn, seconded by Ms. Petersson. Ms. Lisa Wiesner, Chair, adjourned the meeting at 9:45 p.m.

Respectfully Submitted:

Philip H. Wheeler, AICP

Ms. Lisa Wiesner, Chair

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 1/5/04

391-

AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS TGA
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Amending and Reenacting Section 60.323 Of The Rochester Code of Ordinances, Relating to Development Criteria For Special Districts.</p> <p>b) An Ordinance Rezoning Approximately 2.40 Acres of Property From The R-1 Zoning District To The B-5 Zoning District And 13.32 Acres of Property From The R-1 Zoning District To The R-1x Zoning District, And Amending Ordinance No. 2785, Known As The Zoning Ordinance And Land Development Manual Of The City Of Rochester, Minnesota. Said Property is located on the south side of Seventh Street NW, along the East Side of West Circle Drive and north of Lake Street NW.</p> <p>G. 4. MISCELLANEOUS</p>		
<p>COUNCIL ACTION: Motion by: _____ Second by: _____ to:</p>		

398

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